THE MISUNDERSTOOD PHILOSOPHY OF THOMAS PAINE

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Jason Kinsel

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Jason Kinsel

Thesis

Approved:	Accepted:
_____	_____
Advisor Dr. Walter Hixson	Dean of the College Dr. Chand Midha
_____	_____
Faculty Reader Dr. Martino-Trutor	Dean of the Graduate School Dr. Chand Midha
_____	_____
Department Chair Dr. Martin Wainwright	Date

ABSTRACT

The name Thomas Paine is often associated with his political pamphlet *Common Sense*. The importance of "Common Sense" in regards to the American Revolution has been researched and debated by historians, political scientists, and literary scholars. While they acknowledge that Paine's ideas and writing style helped to popularize the idea of separation from Great Britain in 1776, a thorough analysis of the entirety of Paine's philosophy has yet to be completed. Modern scholars have had great difficulty with categorizing works such as, *The Rights of Man*, *Agrarian Justice*, and Paine's *Dissertation on First Principles of Government*. Ultimately, these scholars feel most comfortable with associating Paine with the English philosopher John Locke.

This thesis will show that Paine developed a unique political philosophy that is not only different from Locke's in style, but fundamentally opposed to the system of government designed by Locke in his *Second Treatise of Government*. Furthermore, I will provide evidence that Paine's contemporary's in the American Colonies and Great Britain vehemently denied that Paine's ideas resembled those of Locke in any way. Finally, this thesis will illustrate the importance and impact of Paine's political philosophy in England and Ireland throughout the 1790's.

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CHAPTER I

INTRODUCTION

On the morning of September 13th 1792, after being detained by government agents, Thomas Paine departed his native country from the port of Dover for the French port city of Calais. His last moments in England were marked by the possibility of arrest, or assault by an angry mob. According an eye witness, John Mason, a large and hostile crowd had gathered at the pier to see Paine off on his voyage. As Paine made his way to the pier the crowd verbally assaulted him with insults regarding his unsuccessful career as a staymaker, threatened to pelt him with stones, and to "give him a cheap coat of tar and feather."[1] Unknown to Paine at the time, he would never again set foot in his native country.

The recent publication of the second part of *Rights of Man* had created a firestorm of controversy surrounding Paine and his philosophical adversary Edmund Burke. The Revolution in France was well underway at this moment in time, and many in the crowd, as well as in the English government suspected that Paine desired to ignite a rebellion in his homeland. The famed author of *Common Sense* had stoked the passions of American colonists in support of a lengthy war for independence only sixteen years earlier, and his influence could also be seen in the writings of Irish revolutionaries. The reasoning behind

[1] Mason to Burges, 13 September 1792, in *Manuscripts of J.B. Fortescue, Esq., 2:316-17.* Accessed 1 May 2015. http://www.archive.org/details/manuscriptsjbfo00manugoog.

Paine's detainment and release that morning is unclear, but it is conceivable that the authorities were relieved to learn of Paine's election to the National Assembly in France, and that they would finally be rid of him. This development had allowed Paine to leave his home country with some sense of honor while also providing him with an excuse to be absent for his upcoming trial for sedition.

Even though the name, Thomas Paine, is widely recognized, he remains one of the most enigmatic and least understood political philosophers of the Age of Revolutions. Paine has been acknowledged as a radical reformer, political agitator, pamphleteer, and journalist, whose writings were composed in a populist language that captured the attention of hundreds of thousands readers in North America and Europe.[2] Despite the attention given to his life and work by historians, political scientists, and literary scholars, Paine's work has never been sufficiently defined or recognized for what it was and still is; a sophisticated and unique political philosophy that directly challenged the conventions of modern political philosophy.

The purpose of this thesis will be to establish Paine as a political philosopher in his own right, and to separate him from John Locke, the philosopher he is most associated with by political scientists and historians. In addition to this, and in support of this argument, I will explore the impact that Paine's philosophy had on English society after the publication of the second part of *Rights of Man* in 1792. First and foremost it is important to understand Paine's personal background and education. The difficulties of

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[2] Jack Fruchtman Jr., *Thomas Paine: Apostle of Freedom* (New York, Four Walls Eight Windows, 1994), 17.In this biographical work, as well as others on Paine, Fruchtman avoids referring to Paine as a political philosopher and uses the term journalist instead.

his early life are what defined him and influenced his most important ideas. His reliance on observation and experience informed all of his philosophical ideas and formed the core of his arguments. This is fundamental to understanding why Paine was perceived as a threat to the political order of his time, and how his ideas are fundamentally different from Locke's.

Second, I will show that unlike scholars of the twentieth-century, Paine's contemporaries vehemently denied that his ideas were representative of Locke's, and that they were in fact extremely dangerous to the English political system that was founded upon Lockean philosophy. A direct comparison between the ideas of Paine and Locke will provide further evidence that Paine had developed a political philosophy that opposed many of the ideas of Locke.

Thirdly, an examination of how the public in England reacted to Paine's ideas will provide further proof that Paine's ideas were radically different from Locke's. An examination of Paine's trial, the Burke-Paine debate, and the coverage of the debate in the English press will also illustrate the reactionary response of the elite class in England against Paine's ideas.

To understand why Paine was such a popular writer, how his work threatened accepted philosophical conventions, and why philosophers who came after him such as Mill, Marx, Nietzsche, and others had to come to terms with his ideas before they could develop their own, it is essential to finally distinguish his ideas from those of Locke. The question of what made Paine unique has entered the minds of many historians and political scientists. The style of Paine's prose has been the easiest answer to this question,

but it has also served to obscure the full importance and meaning of his work. While his contemporaries could not foresee the historical impact that his writings would have, they did recognize the immediate threat he represented to philosophical tradition. Paine was attacked through the press and legal system in an attempt to obfuscate the core issue of language. By focusing on his popularity and audience rather than his philosophical method which held ordinary language, perception, and experience in the highest regard his opponents attempted to focus the debate on superficial issues such as slander and libel toward the Monarch. Paine's critique of the specialized scientific language utilized by philosophers such as Locke, Burke, and Adams is what forms the unique aspect of his brand of political philosophy and the involvement of the masses in politics is only a natural outcome of his ideas, but it is not the driving force of his ideas. The issue of Paine's popularity amongst the "vulgar," or what Burke termed the "swinish multitude" has unfortunately remained the focus of study for scholars attempting to explain the importance of Paine's work.

I propose that Paine's use of common language was purposeful, and that his unique political philosophy was designed in such a way as to undermine the foundation of modern political philosophy, by neutralizing its most effective tool of specialized language. An analysis of Paine's work will show that he was familiar with classical works of philosophy, and that he was confronting the establishment of the monarchy in England through a critique of the philosophical traditions through which it received and exercised its power. Supporting evidence will be provided through an analysis of the debate between Paine and Burke, and its societal impact. Through an examination of

Locke's *Second Treatise of Government,* Burke's *Reflections on the Revolution in France*, and Paine's *Rights of Man* a difference in language and purpose will be established between the two philosophers. An analysis of the ideas of other political authors such as Mary Wollstonecraft, and Dr. Richard Price is necessary to highlight that the reason for the backlash that occurred against Paine was due to his challenge to the entrenched philosophical system, and not primarily because of his popularity amongst common people.

To emphasize the seriousness of the threat that Paine's ideas represented, I will analyze the trial of Paine that took place in December of 1792, and the discourse that originated within a variety of English newspapers in the months leading up to the trial. The reasoning supplied by the prosecution for bringing Paine, and others who distributed Paine's works, to trial will be of particular importance in showing that the government feared the language and audience of Paine's work more than its overt messages and insults directed towards the English Monarchy.

As mentioned earlier, Paine has been recognized as an important figure of the Age of Revolutions, but until now the true radical nature of his ideas have not been fully explored. Scholars have marveled at Paine's prose and have endeavored to explain his ability to capture the attention of the multitude for over one hundred years, but no one has offered a sufficient explanation as to why he caused so much fear and apprehension amongst the elite classes of England and the United States. A brief review of the historiography of Paine's work will reveal that the true depth and magnitude of his ideas have yet to be fully appreciated.

The attention given to Thomas Paine during and after his lifetime has remained consistent in one manner only, and that is its inconsistency. A man who has been given credit by his contemporaries and historians alike for rallying American colonists to the cause of the American Revolution was also criticized, and in some respects, has been forgotten.[3] Unlike Paine's contemporaries, historians have been remarkably unsure about how to fit Thomas Paine into the narratives of the American and French Revolutions. This has resulted in a lack of critical analysis of Paine's role in both revolutions by historians and political scientists. Paine's life has been documented in a number of biographical works by Phillip S. Foner, Eric Foner, Jack Fruchtman Jr. and Jack P. Green.[4] The common theme throughout all of these biographies is the desire of each author to place Paine as one of America's important founding fathers. They contend that Paine has often been left out of conversations that include George Washington, Benjamin Franklin, John Adams and others. Greene wrote that, "The full significance of the

[3] George Washington credited Paine's *Common Sense* for spreading the idea of the separation of the American Colonies from Great Britain in a letter to his friend Joseph Reed. The Writings from George Washington from the Original Manuscript Sources. http://etext.lib.virginia.edu/washington/, vol 4, (1732-1799), 455. (March 23, 2014). John Adams criticized Paine's ability for understanding the science of government in a letter to his wife Abigail on March 19th 1776. Adams, John, Abigail Adams, and Charles Francis Adams. *Familiar Letters Of John Adams And His Wife Abigail Adams, During The Revolution [Electronic Resource]: With A Memoir Of Mrs. Adams / By Charles Francis Adams*. n.p. New York: Hurd and Houghton, 1876., *OhioLINK Library Catalog – LR*. Web. 24 Mar. 2014

[4] Concise biographies of the life of Thomas Paine are also common within compilations of his collected works. One of the best was written by Phillip S. Foner in *The Complete Writings of Thomas Paine*. New York: Citadel Press, 1945. The most comprehensive treatment of Paine's life can be found in Eric Foner's *Tom Paine and Revolutionary America*. New York: Oxford University Press, 1976. Green's treatment of Paine is article length and attempts to address Paine's effect on the modernization of the political consciousness of the people France and the United States. The first half of the article however is devoted to a biographical background of Paine. It is titled "Paine, America, and the "Modernization" of Political Consciousness." *Political Science Quarterly 93.1 (1978): 73. Political Science Complete*. Web. 19 Mar. 2014.

achievement of Thomas Paine has perhaps never been thoroughly explained."[5] After these authors establish that Paine's *Common Sense* was vital to the Revolutionary cause, they embark on the more challenging pursuit of establishing Paine as an important philosopher, political thinker or literary figure. Eric Foner acknowledges the difficulties faced by Paine's biographers in his own biography of Paine, writing that, "Paine's ideas, indeed, have never been grasped in their full complexity, nor have they been successfully located within the social context of his age."[6] These authors as well as others have established the important role that Paine played during the American Revolution, and they have also established that the *Rights of Man* was Paine's most comprehensive expression of his political thought. They have failed to recognize, however, that Paine articulated an original political philosophy of his own. This thesis intends to challenge the existing historiography of Paine's work that has, in effect, characterized him as a mere interpreter of the philosophy of John Locke for the masses, or argued that his ideas were only some kind of radical incarnation of republican thought.

A critical review of the current historiography concerning Paine reveals that his ideas, and how they were received and interpreted by his contemporaries, have been fundamentally misunderstood and overlooked. Through an in depth study of the writings of John Adams, Thomas Elrington, George Bonham and Edmund Burke it is clear that they vehemently denied any association of Paine with John Locke. This information has

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[5] Green, Jack P. "Paine, America, and the "Modernization" of Political Consciousness." *Political Science Quarterly* 93.1 (1978): 73. *Political Science Complete*. Web. 19 Mar. 2014.

[6] Foner, Eric. *Tom Paine and Revolutionary America*. (New York: Oxford University Press, 1976), xxviii.

been missing from historical and political interpretations of Paine's work until now. The mistake of leaving out or ignoring the contemporary fundamental criticisms of Paine has led to the perpetuation of the idea that Paine was a mere disciple of Locke, without any important original ideas of his own. This is vitally important because the differences between the philosophical methods, and ideas of Paine and Locke concerning government are significant. The misrepresentation, or misinterpretation of Paine's ideas by historians and political scientists has distorted the philosophical importance of Paine's work, and when he has been given praise, it has been in association to the philosophy of John Locke, which is in fact fundamentally different from his own.

Historian Eric Foner and political scientist Jack Fruchtman Jr. have attempted to consider the major works of Thomas Paine fully, and provide their assessments of what his works represented during his lifetime. Unfortunately, Eric Foner's major study of Paine falls short of considering Paine as a political philosopher in his own right. He does provide a comprehensive study of Paine's experiences in London, Philadelphia and Paris, but he does not consider Paine to have any original ideas. Foner argues that Paine is not important because of his ideas, and that there were many other political writers and thinkers during his time that were more original. Instead, Foner emphasizes Paine's ability to forge the ideas of others into, "a new political language" through his unique literary style which brought his message to the widest possible audience.[7] Foner credits Paine with being able to "extend political discussion beyond the narrow confines of the eighteenth century's political nation." He also argues that Paine was unsuited for the task

[7] Ibid., xxxi.

of building governments, agreeing with John Adams' assessment that Paine was only useful in tearing down the old governments.[8] Foner's evaluation of Paine does not take his ideas seriously and lacks any serious philosophical analysis of his work. He notes that some of Paine's contemporaries criticized Paine's ideas, but he treats these occurrences as simply being further evidence of Paine's lack of sophistication and lack of ability to form his own original ideas.

The reputation of Paine as a dynamic writer, but unimportant political thinker, has followed him for two centuries. Unfortunately historians, political scientists and scholars of the English language have perpetuated this idea. Edward Larkin offers this same interpretation of Paine, but with a literary bent. Larkin takes Foner's assertion that Paine invented a more appealing and accessible political language to heart and dedicates his book, Thomas Paine and the Literature of Revolution, to the study of how Paine "constructed his new literature of politics and how he successfully represented himself as both a sophisticated political theorist and a popularizer."[9] Larkin wholeheartedly agrees with Foner that Paine is simply a great literary figure and rhetorician. The use of the word "represented" connotes that Paine was merely utilizing the ideas of other political theorists in order to proselytize to the masses. Larkin argues that Paine used his position as editor of *The Pennsylvania Magazine* as a "parental mentor" in guiding and educating the public of the colonies within the context of post-Lockean revolutionary models of

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[8] Ibid., xxxii.

[9] Larkin, Edward. *Thomas Paine and the Literature of Revolution*. (Cambridge: Cambridge University Press,
2005), 3.

development.[10] Larkin therefore denies that Paine contributed anything more than his ability to shape and mold the thinking of the American public through his editorial and pamphlet-writing efforts.

Jack Fruchtman Jr. offers a more detailed analysis of Paine's work and builds upon the earlier work of Foner. Because Fruchtman offers the most recent serious study of Paine's ideas, it is important to address his work in greater depth. In his biography of Paine, Fruchtman argues that Paine's work and life followed a clear development consisting of three definable stages. He argues that Paine was grounded in "Lockean liberal ideals," and that Paine came to appreciate the work of Rousseau during his stay in France when he finally "found a new spirituality where he sought God's wholeness and oneness in the universe."[11] Fruchtman also devotes most of his study of Paine to the re-telling of his life, but his goal is original in that he aims to show the influence of Paine's religious sentiments in his major works.

Like Foner before him, Fruchtman does not consider Paine to be an important or original political thinker. In the first page of his introduction he reveals that he has fallen victim to the same complexities that Eric Foner brought attention to in his 1976 biography of Paine. Fruchtman contradicts himself by praising Paine as an original thinker while at the same time relegating Paine to the simple role of observer and commentator. Fruchtman does all of this in two short sentences, seemingly without

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[10] Ibid., 35.

[11] Fruchtman Jr, Jack. *Thomas Paine: Apostle of Freedom*. (New York: Four Walls Eight Windows, 1994), 5.

realizing it. Fruchtman praises Paine, writing that "He wrote and said things that distinguished him as one of the great original thinkers, whose observations seem intensely relevant even today." He then counters this by writing, "But Thomas Paine was not a political philosopher." Fruchtman assigns Paine the role of "progressive journalist" and "statesman."[12] According to Fruchtman, what made Paine a great and original thinker was his ability to observe the faults of his society and bring them to light in an effective manner that reached a large audience. This narrative of Paine is very similar to Foner's and Larkin's, both reminiscent of previous writings about Paine's life.

Curiously, Fruchtman revisited the study of Thomas Paine's ideas in his most recent publication on the topic titled, The Political Philosophy of Thomas Paine. What is curious about this work is that while this book is not another biography of Paine, its premise is nearly the same as Fruchtman's earlier biography of Paine. Fruchtman follows the well-worn path of identifying Paine's political philosophy as a reiteration of Locke, in Paine's unique vulgarized form, specifically designed for a new mass audience. Fruchtman also stays true to his earlier study of Paine by sticking to the accepted three-stage model of Paine's development; from Locke to a blend of Rousseau and then coming to the end of his life with a Spinoza-like faith in an ambiguous supreme being. Fruchtman hardly credits Paine with creating an original thought when he writes, "It was, rather, the melding of the two, which took place during his years in France after 1787, when he added to his commitment to Lockean liberalism a newly realized devotion to the ideal of community as a means to guarantee the people's financial protection and social

[12] Ibid., 1.

security."[13] In this, his latest work on Thomas Paine, Fruchtman is again frustrated by the same complexities that Foner warned of in 1976. This is evident by his surrender to the difficulties that Paine's work presents. As his predecessors have felt before him, Fruchtman feels that he must establish Paine as a disciple of Locke, even if it means that he must rely only on speculation. "I suspect he read far more than he let on, though that is pure speculation. He was well aware of the political positions taken by Locke, Montesquieu, Voltaire, and Rousseau."[14] He acknowledges that Paine himself denied reading Locke's *Second Treatise of Government*, yet Fruchtman writes that, "In terms of the sources of his political thought, we might say that Paine was Lockean because he accepted the basic tenets of government by consent, the existence of rights and liberties, and ultimately the people's right to revolution."[15] Rather than explore the idea that Paine had created his own political philosophy, or even adapted the ideas of Locke; Fruchtman, Foner, and Larkin, along with others have been compelled to make Paine into a kind of publicist for Locke.

Other scholars have addressed particular strands or pieces of Paine's work, for example, Jack P. Greene and Bernard Bailyn both place Paine at the end of a "long line of observers who had emphasized the exceptional character of America."[16] Greene and

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[13] Fruchtman, Jack Jr. *The Political Philosophy of Thomas Paine*. (Baltimore: Johns Hopkins University Press, 2009), 21.

[14] Ibid., 11.

[15] Ibid., 5.

[16] Greene, Jack P. *The Intellectual Construction of America: Exceptionalism and Identity From 1492 to 1800*. (Chapel Hill: University of North Carolina Press, 1993), 133.

Bailyn both stress the theme of American exceptionalism that is present in *Common Sense*, but they follow the same narrative that Foner, Larkin and Fruchtman have laid out for Paine when it comes to his relationship with Locke. Bailyn only briefly mentions Paine and *Common Sense* in The Ideological Origins of the American Revolution, in which he credits the success of the pamphlet with its "unique style," and not for its substance.[17]

The historiography concerning Thomas Paine and his writings has fallen short by failing to consider his ideas as original. Rather than analyzing Paine's work for critical differences from the works of Enlightenment philosophers such as Locke and Rousseau, historians and political scientists have only looked for similarities. No matter how tenuous these connections may be, scholars of Paine have taken them to be evidence of the strong influence of Locke and Rousseau on the thinking of Paine. While they have credited Paine with possessing a unique writing style and ability to appeal to the masses, these scholars have also placed a limit on the importance of his work by ignoring its substance. They have also failed to address seriously the criticisms that Paine incurred during his lifetime. All of the scholars that have been mentioned above have acknowledged John Adams' criticism of Paine's pamphlet *Common Sense*.[18] Yet they have not delved deeply into Adams' main critical work that addresses Paine's *Rights of Man*, which is by far one of Paine's most comprehensive works. They have also failed to

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[17] Bailyn, Bernard. *The Ideological Origins of the American Revolution*. (Cambridge: Harvard University Press, 1967), 18.

[18] Foner, *Tom Paine and Revolutionary America,* 79-82. Fruchtman Jr., *The Political Philosophy of Thomas Paine,* 2-3.

take into consideration other criticisms of Paine, one of which directly disputes the idea that Paine followed the philosophical ideas of Locke's *Second Treatise of Government*. Edmund Burke is often mentioned by these scholars as presenting a challenge to Paine in his *Reflections on the Revolution in France*. Yet they do not go beyond the surface of what Burke's criticism of Paine actually means. A comprehensive analysis of these criticisms will reveal that Paine's contemporaries did not view him as a mere vulgarizer of the work of Locke or Rousseau. On the contrary, they recognized that Paine's ideas often ran counter to the ideas of these Enlightenment philosophers, and directly challenged established philosophical norms concerning the elevation of specialized knowledge above ordinary perception and experience. Burke, Adams, Elrington and many other men of the political and educated elite expressed their concern, and eventual outrage, in numerous writings that ranged from long political and philosophical tracts to hundreds of letters sent to numerous English newspapers.

The famous exchange between Burke and Paine that occurred from 1790 and 1792 has been viewed by historians and political scientists as an early manifestation of modern conservative and liberal political thought.[19] This thesis will go beyond this common interpretation, by asserting that Paine was feared by conservatives in England and the United States for his reliance on ordinary perception as the foundation of his political philosophy. The difference between ordinary perception and philosophical ideas concerning the validity of human perception lie at the heart of the debate between Burke

[19] Yuval Levin, *The Great Debate: Edmund Burke, Thomas Paine, and the Birth of Right and Left* (New York: Basic Books, 2013).

and Paine. In short, the philosophical tradition that Burke and his supporters ascribed to, dismissed the idea that human beings have the ability to accurately interpret their experiences or describe the world around them. Therefore, any ability for people like Paine to identify injustice is negated due to the very impossibility of their claim to have the ability to recognize the concept of injustice in the practical world. This also meant that they were hamstrung in any attempt to criticize their government by use of their own judgment born from life experience. This nullifying philosophical precept originates from the poem of Parmenides and can be identified in the works of philosophers such as Machiavelli, Locke, and Burke. A short, and simplified, explanation of Parmenides' poem will demonstrate the manner in which these philosophers deprive common people of their ability to articulate any discernment between objects and concepts such as justice and injustice.

Parmenides framed his poem around a young man who was being initiated into a secret school of philosophy by the goddess Eros who grants him special knowledge allowing him to win any debate. She tells him that there are "two ways of inquiry," but only one is correct. The correct one being "that it is" and the incorrect being "that it is not to be." The goddess then tells the youth that regular mortals, "Know nothing and wander two-headed: for haplessness in their breasts directs wandering understanding. They are borne along deaf and blind at once, bedazzled, undiscriminating hordes, who have supposed that it is and is not the same and not the same; but the path of all these turns back on itself."[20] The goddess is granting her student philosophical perception in this

[20] The goddess goes on to explain to her student that reality is encompassed by a singular body called "being" and that all concepts are simply being, or that there is only "that it is." This reasoning only

passage. If the youth maintains that his perception is the only correct perception based on this model of reasoning that something can only be, or "it is," and denies that any possibility that an opposite form can exist he is able to outmaneuver ordinary speakers who rely upon ordinary perception that is not informed by this method of reasoning. The interchangeability of vice and virtue by Machiavelli is an example of Parmenides doctrine that is based on philosophical perception in opposition to ordinary perception. Whether or not a vice is a virtue is only a matter of perception. Through a close reading of both parts of *Rights of Man* it becomes clear that Paine recognized that this method of thinking was being used by Burke and his supporters. The presence of this line of thought manifests through Burke's repeated insistence that ordinary people lack the ability to judge what good or poor government is. Paine on the other hand, argued that ordinary people possess the ability to discern a difference between vices and virtues or justice and injustice, and therefore returns the process of governance to the mass of ordinary people. His attack on this philosophical conception is the basis for his well-known criticisms of hereditary monarchy as well as England's lack of a written constitution.

Throughout his writings Paine clearly shows that he held the value of ordinary perception and knowledge originating from experience in higher regard than Locke and Burke. In fact, ordinary perception and knowledge are the crux of his political philosophy, which held that all human beings possess an inherent intelligence that allows them to discern separate objects and concepts. Paine's work was popular precisely for the

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allows for the validity of the trained philosopher's perception. According to Parmenides mortals who believe that there is anything other than being are hopelessly confused. John Palmer, "Parmenides", *The Stanford Encyclopedia of Philosophy* (Summer 2012 Edition), Edward N. Zalta (ed.) Accessed 3 May 2015. http://plato.stanford.edu/archives/sum2012/entries/parmenides/.

reason that he returns the power of language and discernment to the common people from the realm of trained philosophical thinkers. When English elites realized that he was not merely criticizing specific government policies or practices, and that his ideas represented a revolution in where the authority of language and knowledge should be placed they reacted by banning his work and placing him on trial.

Literary scholar Edward Larkin, and political scientist Jack Fruchtman Jr, along with historians J.G.A. Pocock, Phillip S. Foner, Eric Foner, and Bernard Bailyn all agree that Paine's writing style "moved away from the dominant tradition of classical rhetoric, which was an integral part of an older exclusionary political discourse." Larkin makes the important, but limited point that Paine created, "a new psychology of persuasion that would define the newly emergent public sphere." Scholars have only credited Paine with creating a new form of rhetoric which he wielded against the public in a contest of persuasion with conservatives like Burke. Larkin praises Paine for his ability to construct a style of prose that presents complicated political ideas to the simple minds of general readers.[21] However, Larkin does not interpret Paine's use of ordinary language as revolutionary in itself, nor does he credit Paine with creating a political philosophy that is differentiated from that of Locke and other Enlightenment political philosophers.

Scholars have failed to recognize that Paine's ideas represent a direct challenge to the philosophical school of thought founded by Parmenides. This is historically impactful because Paine not only recognized the methods used by these thinkers, but he also refused to engage them in their specialized language. He outmaneuvered them by

[21] Edward Larkin, *Thomas Paine and the Literature of Revolution* (Cambridge: Cambridge University Press, 2005), 2-3.

pointing out their methods to a mass audience and then he argued for the elevation of ordinary perception over philosophical eruditions. This is what angered and frightened his political opponents and sparked their motivation to put him on trial, not the fact that he advocated for reforms of the English government which was a common occurrence during his lifetime.

In many ways associating Paine with Locke is a simple solution to explain how a man from humble origins inspired millions of people with revolutionary passions. Indeed both wrote about individualism and the concept of liberty, but the similarities end there. The question of Paine's education and how he understood and was able to articulate ideas concerning these issues has puzzled scholars. Therefore any similarity to Locke that was found in Paine's work allowed scholars to point to his influence over Paine. The following chapter will explore how Paine's life experiences shaped his ideas and will argue that the end result was a philosophical outlook that is directly opposed to the one formulated by Locke.

CHAPTER II

PAINE AND LOCKE: OPPOSING PHILOSPOHIES

After his fortuitous meeting with Benjamin Franklin and the publication of *Common Sense*, Paine often found himself in the company of men and women who were far above him in terms of class. From his aggressive style of writing a certain amount of disdain can be detected for those of the upper class whom he felt flaunted their wealth and education. He was especially hurt by those he felt had befriended him only to turn on him later.[22] Paine's writing style also reveals that he had no use for anything but ordinary language that did not serve to confuse readers. The importance of the following biographical material will illustrate why and how Paine came to appreciate the value of ordinary perception and the use of ordinary language to make sense of the world.

Paine's background and the importance of experience:

In the second part of *Rights of Man*, Paine wrote that experience is the greatest teacher, and that "It is to my advantage that I have served an apprenticeship to life. I know the value of moral instruction, and I have seen the danger of the contrary."[23] In

[22] This occurred with a number of individuals including John Adams, George Washington, Gouvernor Morris, and Burke.

[23] Paine's references to personal experience and the value of moral construction can be interpreted as evidence of exposure to classical philosophy. However, Paine made it a point to deny any specific influence on his philosophical ideas, classical or otherwise, so it is only by inference that any conclusions about his influence can be formed. Thomas Paine, *Rights of Man. Part the Second. Combining Principle and Practice* (London: 1792), 91. Eighteenth Century Collections Online. Gale. Accessed 12 February 2014. http://findgalegroup.com.lib.ezproxy.uakron.edu.

many ways this short statement essentially describes the foundation of Paine's political thought, and it is necessary to understand in some detail what Paine meant about his past when he wrote this. When Paine wrote the *Rights of Man* in 1791 and 1792 he was in his mid-fifties and had experienced a great deal of hardship during his lifetime. The first thirty seven years of his life were particularly tumultuous and there was little indication that he would become an influential political author.

A detailed look into Paine's early life will be useful in explaining how Paine developed his ideas through lived experience. Because he does not acknowledge any formal philosophical training, education, or influences in his writings, it is essential to understand the depth of hardship he experienced, and the personal relationships that he formed. His background will also provide insight into why he reacted against men like Burke the way in which he did. Most importantly his biographical information allows for one to see why he felt so strongly about the philosophical importance of knowledge gained through life experience in comparison to the formal educations that men like Burke and Locke received. If Paine had not lived the life that he did, it could be argued that he would have developed philosophical arguments similar to Locke's or Burke's, and would have failed to perceive the potential for injustice that philosophical language contains. Much of the injustice that Paine felt came from personal relationships that had soured over time, the most important of which was the one he had formed with Burke. Additionally, Paine's background was usually the first, and most preferred, target that his critics attacked rather than engage him in a debate of ideas.

Thomas Paine was born on January 29th 1737 about seventy-five miles northeast of London, in the Norfolk market town of Thetford. His early education consisted of seven years in Thetford's public grammar school which was supported by the local aristocratic Grafton family.[24] At the age of thirteen, Paine began an apprenticeship under his father, and began learning the trade of staymaking. This was a physically demanding career and one that demanded a great deal of patience when meeting the demands of wealthy women. Paine's father, Joseph Pain, was an established craftsman, but was considered, as a staymaker, a member of the lower-class of artisans.[25] An early biographer of Paine, George Chalmers, wrote that he was not fit to learn "classical knowledge, which is so decorous in gentlemen" and was prepared for a life as a tradesman instead. Chalmers continued to portray the young Paine negatively by asserting that he never liked his father's trade, "or indeed any occupation, which required attentive diligence and steady effort."[26] Chalmers' negative biography of Paine appeared after the publication of *The Rights of Man* and in the months leading up to Paine's trial in late 1792. Chalmers was hired by the English government in order to publicly discredit Paine before his trial in December of 1792.[27]

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[24] By all accounts Paine's formal education ended at this point and any further knowledge he gained came from experience, his own readings, discussion, and through attending public lectures.

[25] Thomas added the letter 'e' to end of his family name after he moved to America. Fruchtman Jr., *Thomas Paine: Apostle of Freedom*, 19.

[26] George Chalmers, *The life of Thomas Pain, the author of Rights of man. With a defence of his writings. By Francis Oldys, A.M. of the University of Pennsylvania*. The second edition. (London: printed for John Stockdale, 1791). *Eighteenth Century Collections Online*, accessed 24 March, 2015.

[27] Eric Foner, *Tom Paine and Revolutionary America* (New York: Oxford University Press, 1976). Fruchtman Jr., *Thomas Paine: Apostle of Freedom, 19.*

After finishing his apprenticeship, Paine spent his time working as a journeyman staymaker in Thetford. He then moved to Dover to work with his cousin, and later to Sandwich, where with a loan from his master, he established his own shop after marrying Mary Lambert in 1760. He and his wife soon moved, or according to Chalmers, fled to Margate to escape debt collectors, where she died less than a year after their wedding in 1760. Nevertheless, it seems that the father of his deceased wife, an officer in the Customs and Excise Service, inspired Paine to leave the trade of staymaking to pursue a career as an excise officer.[28]

Paine returned to Thetford and studied for the examinations required to enter the Customs and Excise Service. After a year of preparation, Paine passed the necessary examinations to become an entry level officer of the Excise Service, and it was in this occupation that he became acquainted with the type of politics he would grow to despise. In the conduct of his duties, Paine witnessed the harshness of economic life for many middle to lower class English men and women. This firsthand experience of poverty remained with Paine for the rest of his life and helped to transform him into an advocate for the common people.

In 1765 Paine was dismissed from his post in Alford, Lincolnshire for committing a minor and common infraction amongst excise officers referred to as "stamping the whole ride."[29] This occurred when an excise officer filed a report on a load of goods without actually taking the time to examine them. This dismissal sent Paine down a path

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[28] Foner, *Tom Paine and Revolutionary America*, 2-3.

[29] Ibid.

of extreme hardship during which he witnessed and experienced great depths of poverty. Paine's discontent grew after his appeal for re-instatement was quickly rejected, and when he failed to re-establish himself as a staymaker. To make ends meet he turned to teaching English for a wage that was half of what he had made as an excise officer. This period in Paine's life was a formidable one and he suffered constant frustration by his failure to achieve economic stability, or advance socially. These experiences were also the first instances in which he felt the unfairness of the political system under which he was living, forming within him a growing hatred of privilege and aristocracy.

Paine spent these frustrating years in London and Lewes, both of which were highly charged environments filled with political discontent. Lewes in the 1760's and 1770's was a town populated by lower-middle class artisans who freely expressed their feelings of economic and political dissatisfaction, creating an atmosphere of unrest that was distinct from London.[30] After writing a humble letter of apology to the Excise Board, Paine finally received re-instatement as an excise officer in 1768 and was given a position in Lewes. This assignment was a very difficult one for any excise official because of the particularly strong spirit of anti-government sentiment that was harbored by the residents of Lewes. However, Eric Foner and Jack Fruchtman Jr. disagree on how Paine was treated in Lewes. Foner assumes that Paine was in all likelihood treated harshly by some tax payers, just like his fellow officers.[31] Fruchtman provides more detail about Paine's life as a resident of Lewes, and he posits that Paine was treated amiably by a majority of the townspeople. Upon his arrival in Lewes, Paine took up

[31] Ibid., 12-14.

residence above a tobacco shop owned by Samuel Ollive. He quickly ingratiated himself to Mr. Ollive who was a prominent citizen of Lewes. Ollive had served as a constable for the town and was a co-owner of the White Hart Inn which served as the town's political center. Fruchtman argues that Paine's first experience in the practical side of politics came at this time, when he was elected to a pseudo town council known as the Society of Twelve. This committee validated the local elections of unpaid town officials including constables, churchwardens, overseers of the highways, and others.[32] Even if Paine was accepted into the disgruntled circles of Lewes society, Foner and Fruchtman both agree that he continued to experience a great deal of financial hardship during this period. Fruchtman's account of Paine's life in Lewes, however, provides greater insight into Paine's increasing involvement in political activism. This is the period that Paine's biographers cite his probable political education. Therefore his formidable experience with the political culture of England came through the rowdy crowd within the Inns of Lewes, a far different life experience than his future philosophical adversary Edmund Burke and his alleged intellectual inspiration John Locke.

In both Lewes and London, Paine witnessed the poverty and hardship that affected the lower classes of England, including Excise officers. Paine struggled financially, and he and his second wife were forced to sell a majority of their belongings to subsidize the expenses that Thomas incurred as part of his job as an excise officer. His plight was common to many low-level excise men who were responsible for purchasing and maintaining their own horses. Excise officers were also responsible for paying for

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[32] Fruchtman Jr., *Thomas Paine: Apostle of Freedom*, 33-34.

their own lodging and other travel expenses while they were away from home performing their duties.[33] Despite these financial difficulties, the period between 1768 through 1774 was the most stable period of Paine's life.[34]

This sense of stability and calm began to unravel in the spring of 1772 when Paine agreed to write a petition on behalf of his fellow excise officers. That summer Paine wrote his first major political pamphlet, *The Case of the Officers of Excise*. In his first venture into political writing, Paine described the financial hardships that excise officers and their families suffered. He was a natural choice for the task, as he had become a popular member of a local social club named the Headstrong Club. The group met in the White Hart Inn, and Paine was reported to take part in a majority of the discussions and debates, winning the right to edit the so called Headstrong book on most nights.[35] Paine and his fellow officers paid for 4,000 copies of the pamphlet to be printed, and sent Paine to London charged with distributing the work amongst members of Parliament. He spent the entire winter of 1772-73 away from his wife and post in London lobbying members of Parliament to consider raising the pay of the excise officers.

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[33] As an excise officer Paine was paid an annual stipend of about forty pounds. This was double of what his father made as a staymaker, yet according to biographers his parents enjoyed financial stability, something that Paine lacked his entire life. Jack Fruchtman Jr., *Thomas Paine: Apostle of Freedom* (New York: Four Walls Eight Windows, 1994), 19-20, 33-34. Thomas Paine, *Paine*: *Collected Writings*, ed. Eric Foner (New York: The Library of America, 1955), 833-34.

[34] This is the longest period that Paine remained in one place besides the time spent during his youth under his parent's roof, and when he was imprisoned and unable to leave France.

[35] Eric Foner, *Tom Paine and Revolutionary America* (New York: Oxford University Press, 1976), 13-14. Fruchtman Jr., *Thomas Paine: Apostle of Freedom*, 31-33.

Paine's effort ended in disappointment when Parliament failed to consider the issue, and Paine returned to Lewes defeated. For Paine this was a horrible injustice, he had risked everything to correct a situation that was to him and his fellow officers obviously unfair and oppressive. His social and political superiors, however, did not even take time to consider this hardship, it was irrelevant. Paine had attempted to engage the political system of England on its terms and he experienced a harsh rebuke. This experience taught him to approach the debate differently in the future.

On April 8th 1773 Paine was dismissed from the Excise Service for the second time in eight years.[36] His superiors argued that he had willingly abandoned his post that previous winter. The loss of his government position caused strife within his marriage and resulted in a divorce from his second wife. Paine was forced to sell his private possessions at public auction on April 14th to pay his debts, and to allow him to move to London.[37] This second experience with what he perceived now to be an unjust political system served to reinforce Paine's feelings of alienation and disenfranchisement.

While in London, despite his lack of formal education, Paine spent much of his time attending scientific lectures, and was fortunate to meet Benjamin Franklin through an introduction from his friend George Lewis Scott. Franklin ultimately convinced Paine to travel to Philadelphia, and in October of 1774 Paine set sail aboard the *London Packet*.

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[36] Foner, *Tom Paine and Revolutionary America*, 2. Fruchtman Jr., *Tom Paine: Apostle of Freedom*, 27-28. George Chalmers, *The Life of Thomas Paine, interspersed with remarks and reflections, by Peter Porcupine, author of the Bloody Buoy* (London: 1791), 7. Accessed 20 March 2015. Eighteenth Century Collections Online. http://find.galegroup.com.lib.ezproxy.uakron.edu.

[37] Paine, *Collected* Writings, ed.Foner, 834-35.

He arrived in Philadelphia on November 30th 1774 with little more than a letter of introduction from Franklin. The letter was meant to be delivered to Franklin's son, William Franklin, or his son-in-law Richard Bache. After recovering from an extended illness that lasted approximately six weeks after his arrival in Pennsylvania, a friend of Franklin's, Dr. John Kearsley introduced Paine to Bache. Franklin had spoken highly of Paine in his letter and recommended that Paine be retained as a tutor by Bache or his son for the education of their children.

> Dear Son, The bearer, Mr. Thomas Paine, is very well recommended to me, as an ingenious, worthy young man. He goes to Pennsylvania with a view of settling there. I request you to give him your best advice and countenance, as he is quite a stranger there. If you can put him in a way of obtaining employment as a clerk, or assistant tutor in a school, or assistant surveyor, (of all which I think him very capable,) so that he may procure a subsistence at least, till he can make acquaintance and obtain a knowledge of the country, you will do well, and much oblige your affectionate father. My love to Sally and the boys.[38]

Bache immediately employed Paine as a tutor for his sons and introduced him to several of his friends who also hired Paine for his services. Through these newfound connections, Paine met a growing number of influential men and women of Philadelphia society and in early 1775 Robert Aitken hired him on as the editor of the newly founded *Pennsylvania Magazine* in February of that year.

While serving as editor for the magazine, Paine participated in discussions concerning the American cause with Dr. Benjamin Rush, David Rittenhouse, and John Adams. Feeling that he did not have sufficient interest in the American cause because of

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[38] Benjamin Franklin to Richarde Bache, 30 September, 1774, in *The Papers of Benjamin Franklin, vol. 21, January 1, 1774, through March 22, 1775*, ed. William B. Willcox. (New Haven: Yale University Press, 1978), 325-26. accessed 25 March, 2015, Founders Online, National Archives (http://founders.archives.gov).

his lack of property and wealth, Paine was initially reluctant to take a firm position on the issue of reconciliation or separation. After careful deliberation, Paine sided with Rush on principle rather than material interest. Rush convinced Paine to write a pamphlet advocating for the separation of the American colonies from England and he was forced to leave his post as editor of the *Pennsylvania Magazine* in September 1775 due, in part, to Robert Aitken's support of the idea of reconciliation over separation. Between September 1775 and January 1776 Paine wrote and published his most famous work *Common Sense,* remaining anonymous at first, but then enjoying celebrated success as its author in the spring of 1776.[39]

Paine continued to actively support the American cause throughout the Revolutionary War by joining the Pennsylvania militia and writing his famous Crisis Papers. In April of 1777 Paine was appointed to serve with John Adams on the Committee for Foreign Affairs as his secretary. He also served as an observer for Washington's army and spent the winter of 1777 in Valley Forge and Bordentown, New Jersey. Paine would, however, again experience feelings of betrayal, frustration, and loss at the hands of men he considered close associates if not friends. In December 1778 Paine became aware of Silas Deane's mission to France to purchase weapons and supplies for the American military. He learned that many of the supplies were in poor condition and he wasted no time in accusing the Connecticut merchant of war profiteering in a series of newspaper articles. The situation was similar to Paine's effort to rectify the plight of the

[39] Paine also felt betrayed by Aitken because he withheld his salary leaving him in yet another financial difficulty. Fruchtman Jr., *Thomas Paine: Apostle of Freedom*, 60-62.

Excise Officers. He saw a situation where injustice had occurred and he attempted to call attention to the problem. For this he was forced to resign his post on January 8th 1779.

The Dean Affair represents a third instance in which Paine experienced injustice through the political power of men above his station in life. Adams did not support him in his effort to retain his position and this led to an irreconcilable split between the two men. Adams later published an attack against Paine's *Rights of Man* in support of Burke, a man who shared comparable societal status with Adams. From this point forward until the end of the war, Paine was forced to take a variety of low paying positions, however, he remained active in Pennsylvania politics and was elected to a citizens committee to investigate other incidences of suspected war profiteering. In 1781, feeling unappreciated in America he attempted to gain an official appointment to accompany Colonel John Henry Laurens to France on his mission to secure additional loans from the French Government. He was denied any official role in the mission, but decided to pay his own expenses and contemplated remaining in Europe permanently.[40]

The mission ended on June 1st 1781, and Paine arrived in Boston on August 25th with very little money to support himself. In an attempt to gain income, Paine began writing articles supporting new economic measures needed to support the United States government. George Washington, Robert Morris, and the secretary of foreign affairs Robert R. Livingston agreed to secretly establish a fund, under the control of Morris, to provide Paine with financial stability. From late 1781 until 1787 Paine wrote and

[40] As a clerk of the Pennsylvania Assembly he assisted in drafting an anti-slavery act that called for the gradual abolition of the practice in Pennsylvania. Paine, *Collected Writings*, ed. Foner, 838-839. Fruchtman Jr., *Thomas Paine: Apostle of Freedom,* 114-24.

published numerous articles and pamphlets concerning the passage of tax measures in Rhode Island, New York, Pennsylvania, and Virginia. During this same period he also began to refine his political thoughts, most notably in his widely circulated 1786 pamphlet *Dissertation on Governments*.[41]

In 1787 Paine was again living in Philadelphia, preoccupied with creating a design for an iron bridge. Curiously he is strangely silent on the ratification controversy that surrounded the United States Constitution. Foner, Fruchtman, and Rickman describe Paine as being distracted with his iron bridge project, and only communicating with Jefferson and Lafayette in a limited manner on this topic. Instead, he spent his time making plans to sell his bridge in France or England, since he could not drum up support for the project in Pennsylvania.[42] Paine spent the summer of 1787 in Paris as a guest of Jefferson. During this time he presented his bridge model to Lafayette and the French Academy of the Sciences. In September of that year he traveled to London seeking the endorsement of the Royal Society for his bridge, and to visit his mother in Thetford.

During his stay in London, Paine again engaged the political realm with his pamphlet, *Prospects on the Rubicon*, arguing against the idea that Britain should declare war on France over the conflict in the Netherlands. More importantly, Paine carried with him a letter of introduction from Henry Laurens addressed to Edmund Burke. He dined

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[41] Paine, *Collected* Writings, ed. Foner, 834-35. Fruchtman Jr., *Apostle of Freedom*, 131-40. Thomas Clio Rickman, *The Life of Thomas Paine: Author of Common Sense, Rights of Man, Age of Reason, Letter to the Addressers* (London: 1819), 70-76.

[42] He originally envisioned that his bridge would span the Schuylkill River in Philadelphia. Failing this he sought the support of Franklin and Jefferson to spread word of his design in Paris and London. In the spring of 1787 he travelled to Paris to pitch his bridge as a potential crossing for the Seine.

with Burke at a social gathering hosted by the Duke of Portland at which the two men quickly became friends. Burke's support of the American cause during the Revolution and stance against the Stamp Act in 1765 provided common ground for these future adversaries to develop an interest in one another. Although Paine failed to garner any funding at the dinner, Burke agreed to assist Paine in acquiring materials for his bridge, and promised to promote his design.[43] Paine continued to travel between Paris and London between 1787 and 1791 struggling to find a buyer for his bridge. During this time Burke and Paine grew closer, and Burke traveled with Paine through England as he promoted his bridge. Paine also maintained a constant correspondence with Jefferson, informing him on the topic of British politics and receiving reports from Jefferson on events in France.[44]

January and February 1790 proved to be defining months for both Paine and Burke individually; their ensuing exchanges transformed the relationship they had forged into one that would be remembered for its contentiousness. The promising friendship that had developed between the two political theorists ended as quickly and suddenly as it began when Burke spoke out publically against the republican faction in France. While in Paris, Paine kept up a steady correspondence with Burke reporting on what he was witnessing there in January of that year. In February, Burke gave his first indication to Paine that he did not support the character and nature of the French Revolution by giving

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[43] Fruchtman Jr., *Apostle of Freedom*, 185-87. Paine, *Collected Writings*, 842-43.

[44] Ibid., 200-03. Rickman, *The Life of Thomas Paine*, 80-86.

a speech on the events in France in the House of Commons.[45] One particular passage of his speech undermined Paine's advocacy for reconciliation between Britain and France, an idea that he had discussed at length with Burke and others. Speaking on the need for Britain to maintain its military strength due to possible changes in the balance of power on the European continent, Burke told the House of Commons,

> The French had shown themselves the ablest architects of ruin that had hitherto existed in the world. In that very short space of time they had completely pulled down to the ground, their monarchy, their church, their nobility, their law, their revenue, their army, their navy, their commerce, their arts, and their manufactures. Our friendship and our intercourse with that nation had once been, and might again become, more dangerous to us than their worst hostility.[46]

During a visit to his mother later that spring, Paine also learned that Burke was busy at work writing a pamphlet attacking the French Revolution. For Paine, this was a personal betrayal as well as a transgression against a set of ideals that he had thought he shared with Burke, and this was only one instance out of many that illustrates the distinct separation in philosophical thinking and values that existed between Paine, Burke, and Locke.

Influential intellectual figures such as Burke, Adams, Thomas Elrington, and the printer George Bonham openly denied that Paine's ideas bore any resemblance to the philosophy of Locke, and attacked him for his radical departure from modern

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[45] Paine's support for the French Revolution can be explained by his extreme dislike for the monarchial system which he viewed as unjust and completely illogical. The origin for his arguments against monarchies can be seen as early as *Common Sense*.

[46] Edmund Burke, *Substance of the Speech of the Right Honourable Edmund Burke, in the Debate on the Army Estimates, in the House of Commons, on Tuesday, the 9th day of February, 1790. Comprehending of the Present Situation of Affairs in* France (London, 1790), 8-10. Accessed 28 March 2015. http://findgalegroup.comlib.ezproxy.uakron.edu:2048.

philosophical dogma and method. A closer examination of Paine's work in comparison to Locke's, and the critical attacks written by Paine's contemporaries will also serve to highlight how Paine's difficult experiences served to provide a different philosophical beginning point for Paine's core ideas, and concerns.

PAINE AND LOCKE: Fundamental Differences

Thus far, this paper has addressed the criticisms that Thomas Paine faced during his lifetime and has presented the arguments of his contemporaries, who argued that his ideas did not represent the philosophy of John Locke. The following section will compare the ideas of Paine, with Locke's political philosophy directly. Because Paine's ideas evolved during his lifetime and became better articulated over time it is necessary to examine a number of his works. In relation to the issue of sovereign power in society, a comparison between Paine's the *Rights of Man* and *Dissertation on the First Principles of Government* with Locke's *Second Treatise of Government* will be useful. To contrast the differences between Paine's consideration of the right of the people to effect reform or revolution, *Common Sense* will be added to the list of Paine's works compared to Locke's treatise. Finally, to compare Paine's ideas about property with those of Locke's, a review of Paine's *Agrarian Justice* will provide insight to how they differ.[47]

In the *Rights of Man,* Paine argued that sovereign power and right have always existed within the individual, and that this right was expressed in the voluntary formation

[47] Comparisons between the ideas of Paine and the philosophy of Locke have been made by political scientists and historians. The consensus has been that Paine was heavily influenced by Locke's ideas and that he merely transformed them for popular consumption. See Fruchtman Jr., *Thomas Paine: Apostle of Freedom*. Fruchtman Jr. *The Political Philosophy of Thomas Paine*. Foner, *Tom Paine and Revolutionary America*. Greene. *The Intellectual Construction of America*.

of the social compact. With this argument, Paine opposed the idea that government is a compact between a class that is to be governed and one that is meant to govern. This same argument extends to his assertion that a constitution must be formed before a form of government can be considered to have come into existence. Essentially Paine's formulation of how individuals left the state of nature follows this narrative; first, people realized the need to enter a social compact with their fellows and they made this choice out of freewill. Once this decision was made, this group of individuals established the rules of their society by creating a physical constitution that allowed for a government to take shape.[48] Through this entire process the sovereign power remained within each individual. The formation of law and government was the expression of a collective of these individual powers for the betterment of society as a whole. Paine wrote that, "A man, by natural right, has a right to judge in his own cause; and so far as the right of mind is concerned, he never surrenders it. He therefore deposits this right in the common stock of society, and takes the arm of society, of which he is part, in preference and in addition to his own." [49] The social compact that Paine described is entered into freely and its end is to protect the rights of each individual within that society. These individuals compose the nation, and for Paine are the source of sovereign power. He argued that, "The Nation is essentially the source of all Sovereignty; nor can any INDIVIDUAL or ANY BODY OF MEN, be entitled to any authority which is not expressly derived from it."[50] In his

[48] Paine, Thomas. *The Rights of Man* Paine. 5-6.

[49] Ibid., 4.

[50] Paine, Thomas. *Rights of man: being an answer to Mr. Burke's attack on the French revolution. Seventh edition. By Thomas Paine, secretary for foreign affairs to Congress in the American war, and*

defense of the French Revolution and response to Edmund Burke, Paine argued against the idea that individuals lost their sovereign power, or the right to utilize this power. For Paine the act of entering into a social compact enhanced the sovereign power of individuals through its transformation into the will of the majority.

In his pamphlets, *Common Sense* (1775-1776), and *Dissertation on First Principles of Government,* written in 1795, Paine focused on what he referred to as the "absurdity" of heredity succession as a form of government. He argued that this form of government never had the right to exist because no law or custom could ever justifiably take sovereign power and right from future generations. Paine reasoned that the revolutionary movements of the time that aimed to end hereditary systems of government were perfectly correct in exercising their sovereign power to end something that never had the right to exist, and therefore no right to continue.[51] For Paine, sovereign power extended to the entire population, no matter the age of individuals, and he maintained that minors are under the "sacred" guardianship of their elders who have no right to surrender their sovereignty to a hereditary form of government. The executive power is another issue that Paine addressed in this pamphlet. He recognized the need for an executive branch of government, but he argued that it should always remain subordinate to the legislative branch, which is formed by the will of the entire nation. Paine described the position of the executive branch within his model of government by comparing it to the

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author of the works intitled ``common sense,'' And ``a letter to the Abbe Raynal.'' 168. London, MDCCXCI. [1791]. Eighteenth Century Collections Online. Gale. University of Akron. 29 Mar. 2014. <http://find.galegroup.com.lib.ezproxy.uakron.edu> Capitalized words are by the author.

[51] Paine, Thomas. *Dissertation on first principles of government.* 4-6.

limbs of the body, which are controlled by the mind. "The executive department, therefore, is official, and is subordinate to the mind in a state of health; for it is impossible to conceive the idea of two sovereignties, a sovereignty to *will*, and a sovereignty to *act*." He also made it clear that the executive had no powers of even considering independent thought or action whatsoever, "The executive is not invested with the power of deliberating whether it shall act or not; it has no discretionary authority in the case; for it can do *no other thing* that what the laws decree, and is obliged to act conformably therto."[52] This separation of powers is exactly opposite to Locke's distribution of power in his philosophical model. Paine never divests the sovereign power from the individuals who entered the social compact, and in his model of government, would have written a constitution forming their representative system. In Paine's model of government the sovereign power of each individual is then expressed through their right to vote for their representatives. Also, if they were to ever deem that their government ceased to function in the correct manner, they retained the power and right to effect change through reform or revolution.

In order to best understand how Locke's philosophy robs the *people* of their sovereign power, one must keep in mind that Paine's use of the term *people* is quite different than Locke's. While it is true that Locke acknowledged that every person maintained an equal share of sovereignty and power in the state of nature, he removed this equality through the process of the acquisition of property within the social compact. When Locke addressed the issue of property in his treatise he traced the idea of property

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[52] Paine, Thomas. *Dissertation on first principles of government.* 21-23. Italics are the author's

from its most base source, and that is each person has property in their own person first and foremost.[53] From there, Locke enlarged the scope of property to the surroundings of the environment in which people live. Beginning simply, Locke used the example of a person gathering nuts for his nourishment and asked when these objects became his property. Locke answered that they became his the moment he reached to grasp them in his hand, and that is how Locke began his theory of mixed labor and property. He argued that resources left in the "*commons*" remained in a state of disuse, and that once a person utilized something from the *commons* it became his and in a sense left its own state of nature. One aspect of his argument which is extremely important to note is that the taking of objects from the *commons* does not require the expressed consent of anyone else. Therefore according to Locke it is permissible for an individual to take as much from the *commons* as it is possible for him to use.[54]

Locke based his argument upon the reasonability of men, and that "*God has given all things richly*." It is not just the movable objects of nature that become the property of individuals. Locke applied this model of mixed labor to the land itself, "As *much* land as a man tills, plants, improves, cultivates, and can use the product of, so much is his *property*. He by his labor does, as it were, inclose it from the common."[55] With this argument Locke undermined his earlier statement that God had provided the resources of

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[53] Locke, John. *An essay concerning the true original extent and end of civil government. By John Locke. Salus populi suprema lex esto. With Notes*. 25-26.

[54] Ibid., 26-27. Italics are the author's

[55] Ibid., 30. Italics are the author's

life in sufficient abundance for all, which implied that each individual has access to these abundant resources and need not worry about any issue of consent. The first sign of inequality in Locke's system comes from his assertion that, "God gave the world to men in common; but since he gave it them for their benefit, and the greatest conveniences of life they were capable to draw from it, it cannot be supposed he meant it should always remain in common and uncultivated. He gave it to the use of the industrious and rational, (and *labor* was to be *his* title to it;) not to the fancy or covetousness of the quarrelsome and contentious."[56]

From this point Locke established a further measure for the inequality which he allowed for in his model of society and government. He argued that with the invention of money and the consent that society gave in putting value in metals such as gold, it became possible for an individual to acquire vast amounts of property from the *commons*. Money and trade allows for such individuals to maintain their claim to excess amounts of land in Locke's system because it allows for the property owner to replace any resources that may spoil or rot with money. "Again, if he would give his nuts for a piece of metal, pleased with its color; or exchange his sheep for shells, or wool for a sparkling pebble or a diamond, and keep those by him all his life, he invaded not the right of others, he might heap up as much of these durable things as he pleased; the *exceeding of the bounds of his just property* not laying in the largeness of his possession, but the perishing of anything uselessly in it."[57] Locke argued that the agreement to use money in society equated to the

[56] Ibid., 31. Parentheses and italics are the author's

[57] Ibid., 41-42. Italics are the author's

tacit agreement that, "men have agreed to a disproportionate and unequal *possession of the earth."* Elrington points out that Locke considered only the individuals within society that possessed an interest in the maintenance of the state to be represented in his legislature. In section 158 of his treatise Locke argued that, "he who sincerely follows it, cannot dangerously err." Locke referred to these individuals as the, "*number of members*, in all places that have a right to be distinctly represented."[58] With Locke's arguments of property and representation in mind it is important to consider what Locke insisted the true end of government is. "The great and *chief end*, therefore, of men's uniting into common-wealths, and putting themselves under government, *is the preservation of their property*."[59]

Without property the people have lost their ability to show their interest in the state, and by entering the social compact under Locke's system they have surrendered the sovereign power they once possessed in the state of nature. Dispossessed of these powers within the social compact, Locke leaves only one drastic avenue for redress open, and that is the dissolution of society altogether, which Locke argues is not really an option because, "the *power that every individual gave the society*, when he entered into it, can never revert to the individuals again, as long as the society lasts, but will always remain in the community."[60] In Paine's theory of government this power always remains within each individual, and is to be used by all in the process of creating and reforming the

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[58] Ibid., 140. Italics are the author's

[59] Ibid., 110. Italics are the author's

[60] Ibid., 209-210. Italics are the author's

government. The legislative branch is responsible to each individual in the nation who all hold the right to express their sovereignty through the use of their vote. The executive is bound to the people, through its service, to the will of the legislature, and the role of property in Paine's system was made very clear when he wrote, "The rich have no more right to exclude the poor from the right of voting, or of electing and being elected, than the poor have to exclude the rich; and wherever it is attempted, or proposed, on either side, it is a question of force, and not of right."[61] Paine's use of the word force is important because it associates any attempt to restrict the right of political participation with a condition that was supposed to be remedied once the state of nature was left when individuals entered the social compact. Paine was arguing therefore, that if people are prevented from expressing their right to vote by a force imposed on them from others within their own society, the state of nature, in effect, has persisted.

A further discussion of the issue of property within Paine's political philosophy will serve to further differentiate Locke from Paine. His pamphlet, *Agrarian Justice* contains his most well-articulated argument for the remediation of the unequal distribution of land. He wrote the piece during the winter of 1795 and 1796 in response to the inclusion of a direct tax, which was requisite for the right to vote, in the French Constitution. He did not publish the pamphlet until the spring of 1797 after he had read a sermon delivered by the Bishop of Landaff titled 'An Apology for the Bible" at the end of which, according to Paine, the Bishop claimed that it was the wisdom of God that

[61] Paine, Thomas. *Dissertation on first principles of government.* 12.

created the rich and poor.[62] Like Locke, Paine argued that God had created the earth for all men to share and that he had provided enough resources for each individual to sustain himself.[63] Paine differed from Locke in his formulation for the source of poverty in society. While Locke accused the poor of lacking industry and effort, Paine attributed the condition of poverty to the invention of society. For Paine, poverty was a condition of society itself and not of the individuals within society. "Poverty therefore is a thing created by that which is called civilized life. It exists not in the natural state."[64] Paine was in agreement with Locke that the introduction of labor to land allows for a system for landed poverty, and he did not argue for a redistribution of the land itself. He did, however argue that the wealth extracted from the land did not belong solely to the owner of the land.

Paine was also clear that he was not pleading for charity, but for a right which had been neglected. "In advocating the case of the persons thus disposed, it is a right and not a charity that I am pleading for." There is no room in Locke's political thought, which is based upon the inequality that is produced through the acquisition of property, for a similar argument. Paine proposed that each individual in society ought to be compensated

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[62] Paine, Thomas. *Agrarian justice opposed to agrarian law, and to agrarian monopoly; being a plan for meliorating the condition of man, by creating in every nation a national fund, To pay to every Person, when arrived at the Age of Twenty-One Years, the Sum of Fifteen Pounds Sterling, to enable him, or her, to begin the World; and also, Ten Pounds Sterling per Annum during Life to every Person now living of the Age of Fifty Years and to all Others when they shall arrive at that Age, to enable them to live in Old Age without Wretchedness, and go decently out of the World. By Thomas Paine, author of common sense, rights of man, &c. &c.* 5. [London], [1797?]. Eighteenth Century Collections Online. Gale. University of Akron. 19 Mar. 2014

[63] Ibid., 7.

[64] Ibid., 6.

for the amount of property that would have been naturally theirs in the state of nature. He did not discriminate from rich or poor when he made this proposal. To supply the funding for this annual payment, Paine argued that an inheritance tax should be collected from all property owners who pass along their property at the time of their death. The sum of the tax would have been a tenth of the value of their property.[65] Paine supplied a simple reasoning for why this system of taxation and wealth distribution should be adopted, "Taking it then for granted, that no person ought to be in a worse condition when born under what is called a state of civilization, than he would have been, had he been born in a state of nature."[66] He also argued that that an additional fund should be established for "blind and lame persons" from the same tax. Paine's notion that there should be a tax that compensates people for their lost inheritance counters Locke's ideas about property, and power.

Locke's connection of property to the amount of political power an individual possesses prevents the government from collecting such a tax that was proposed by Paine. Locke insisted that the true end of government was to protect the property of individuals and that unless a state of nature was to resume, no one had the right to separate anyone from any of their property. The only way for government to collect taxes was through the consent of the people, which it must be remembered, that the people in Locke's system were the only individuals with a sufficient amount of property to show interest in matters of the state. It follows then that in a system established upon the tenets

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[65] Ibid., 13-14.

[66] Ibid., 11.

of Locke's political philosophy, the revenue for such a fund that Paine had proposed would rely completely upon the charity of the propertied class. Paine argued however that charity was not the point of this endeavor and furthermore, that charity is not sufficient to provide the amount needed to fully compensate for the level of poverty caused by civilization.[67] Paine also argued that justice is what he was advocating for, not charity or pity. He pointed out that the principle of justice is not a choice to be made by individuals, but is one that should govern society. "But it is justice and not charity, that is the principle of the plan. In all great cases it is necessary to have a principle more universally active than charity; and in respect to justice, it ought not be left to the choice of detached individuals, whether they will do justice or not."[68] In contrast to Locke's assertions that only those individuals should participate in government out of a need to restrain the will of the majority, Paine argued that justice depended upon the will of the nation, and not the deliberations of a few.

In Locke's system of government, the only end of government is to protect the property of those who have acquired it. The state of nature persists in a muted form that is governed by the laws enacted by a few who are part of the electorate and the elected. In this form of society the propertied and propertyless are set at odds with each other. Yet those without property have no right to seek reform because they have surrendered their power to do so upon entrance into society. Paine argued for a different system of government that views property as the hostile element within society. The rights of

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[67] Ibid., 16-17.

[68] Ibid., 17-18.

individuals to maintain their property is protected by Paine, but only to the extent that the wealth of that property is made use of by the entire society. He also argued that society is what made it possible for individuals to acquire their property, and that it allowed them to use their labor to cultivate the land, and benefit from it. He insisted that men who had accumulated amounts of property beyond what they could personally use had a responsibility to return a portion of that excess wealth back to society:

> Personal property is the *effect of Society;* and it is as impossible for an individual to acquire personal property without the aid of Society, as it is for him to make land originally. Separate an individual from society, and give him an island or a continent to possess, and he cannot acquire personal property. He cannot become rich. So inseparably are the means connected with the end, in all cases, that where the former did not exist, the latter cannot be obtained. All accumulation therefore of personal property, beyond what a man's own hands produce, is derived by him by living in society; and he owes, on every principle of justice, of gratitude, and civilization, a part of that accumulation back again to society from whence the whole came.[69]

Such a statement cannot be found in Locke's *Second Treatise of Government*. The differences that exist between Locke and Paine concerning property illustrate how dissimilar their political philosophies are. Paine argued that society should serve to benefit all of its members without any distinctions of property or ability. The sovereign power of each individual, and their right to express that power is preserved within Paine's political ideas. Furthermore, Paine credited society with allowing individuals to succeed at acquiring property and wealth, and he insisted they were indebted to society. Locke on the other hand did not consider this at all, on the contrary, he argued against these principles, it is important to note that the term justice never appeared in Locke's chapter

[69] Ibid., 19-20.

concerning property.[70] The role of property in Locke's system served to create a division within his theoretical society which allowed for there to be a distinction between who would retain their original power, and rights in the new society created by the social compact, and who would not.

Contemporary Criticisms of Paine

The fact that Paine's ideas are in opposition to those of Locke was recognized by influential political writers in England, Ireland, and the United States during Paine's lifetime. This information has been left out of the historiography concerning Paine because it seriously challenges the notion that Paine had merely borrowed his ideas from Locke. The fact that Paine had originated a truly radical, new, and popular political philosophy frightened Paine's contemporaries resulting in a campaign to suppress his ideas in England, and eventually culminated in his trial for sedition in 1792. The impact of Paine's ideas and the reaction it garnered from the political and intellectual elite is the subject of the following section.

The well-known and often cited pamphlet, *Thoughts on Government* written by John Adams in the spring of 1776 represents one of the first criticisms that Paine faced after the success of *Common Sense*. A second and more substantial effort was delivered by Adams in 1793 when he wrote, *Answer to Paine's Rights of Man* in which Adams came to the defense of Edmund Burke and the English Constitution. An active member of the Royal Irish Academy and later provost to Trinity College in Dublin, Thomas

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[70] Locke, John. *An essay concerning the true original extent and end of civil government. By John Locke. Salus populi suprema lex esto. With Notes*. 25-44.

Elrington also responded to Paine's *Rights of Man* in his essay *Thoughts on the Principles of Civil Government*, published in 1793.[71] Edmund Burke's *Reflections on the Revolution in France* presented a challenge to the ideas that Paine had expressed to the author privately, in letters, and in person.[72] Lastly, in 1798 the printer to the Royal Irish Academy re-printed Locke's *An Essay Concerning the True and Original Extent and End of Civil Government* for the purpose of discrediting the idea that Paine's ideas followed Locke's. Each of these criticisms of Paine coalesce around one common theme, and that is that the ideas and works of Thomas Paine are radically different than the ideas that Locke espoused in his *Second Treatise of Government*. The fact that these criticisms exist and were written during Paine's lifetime represents a serious challenge to the existing historiography of Paine and his work.

One of the first critical responses to Paine's *Common Sense* came from John Adams who admitted to Paine that he was afraid of the democratic principles contained within the popular pamphlet. Adams described the discussion he had with Paine concerning his critical response to *Common Sense* in his diary, "I told him it was true it was repugnant and for that reason, I had written it and I had consented to the publication of it: for I was as much afraid of his Work [as] he was of mine. His plan was so democratical, without any restraint or even an Attempt at any Equilibrium or

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[71] Blacker, B. H. "Elrington, Thomas (1760–1835)." Rev. David Huddleston. *Oxford Dictionary of National Biography*. Ed. H. C. G. Matthew and Brian Harrison. Oxford: OUP, 2004. Online ed. Ed. Lawrence Goldman. 26 Mar. 2014 <http://www.oxforddnb.com/view/article/8758>.

[72] Details of the friendship and correspondence that existed between Burke and Paine can be found in the biographies of Paine written by Eric Foner and Jack Fruchtman Jr. Foner, *Tom Paine and Revolutionary America*, 235. Fruchtman Jr., *Thomas Paine: Apostle of Freedom*, 186, 210-12.

Counterpoise, that it must produce confusion and every Evil Work." It is also important to note that Adams had expressed his own ideas about separation from Great Britain to other members of the Continental Congress, and was frustrated with the success of *Common Sense*. "The third part of Common Sense which relates wholly to the Question of Independence, was clearly written and contained a tollerable Summary of the Arguments which I had been repeating again and again in Congress for nine months."[73] This comment by Adams is important to consider for two reasons. When taken in context with his expression of fear over *Common Sense* it is reasonable to assume that Adams would have preferred that his own ideas for what course of action the Colonies should have taken had been adopted. An examination of his written response to *Common Sense* shows that Adams preferred language that was much more conservative in tone and meaning. Secondly, Adams' use of the word "summary" is worth noting, because it becomes clear in his responses to *Common Sense* and the *Rights of Man* that Adams did not consider Paine's ideas to be a true representations of the aims of the American Revolution.

From the remarks that Adams noted in his diary, it is clear that the aspect of *Common Sense* that he found most disturbing was its author's promotion of democracy and egalitarianism. When referring to the nature of the relationships between the Colonies and their residents, Paine wrote in *Common Sense* that, "Where there are no

[73]John Adams autobiography, part 1, "John Adams," through 1776, sheet 23 of 53 [electronic edition]. *Adams Family Papers: An Electronic Archive.* Massachusetts Historical Society. http://www.masshist.org/digitaladams/

distinctions there can be no superiority, perfect equality affords no temptation."[74] The idea that all human beings are created equal and that distinctions within mankind have been constructed for nefarious purposes is a constant theme throughout *Common Sense*. One section that Adams found particularly concerning was Paine's assertion that "Mankind being originally equals in the order of creation, the equality could only be destroyed by some subsequent circumstance; the distinctions of rich and poor, may be in great measure accounted for, and that without having recourse to the harsh, ill-sounding names of oppression and avarice." [75] Paine thought it best at this point in his thinking that a unicameral legislative body elected by a body politic that did not exclude members due to property requirements would be the best form of government for the Colonies.[76]

While each of these statements represents a departure from the ideas of Locke and Adams, Paine's most egalitarian and revolutionary statement resonated with many readers or listeners because it was so simple. He argued that every human being has the ability within him or herself to recognize what is right or wrong and that this gives each person the right and ability to become an active participant in their government. While Paine never wrote of women in particular he has been credited with publishing articles

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[74] Paine, Thomas. *Common sense: addressed to the inhabitants of America, on the following interesting subjects. I. Of the origin and design of government in general, with concise remarks on the English Constitution. II. Of monarchy and hereditary succession. III. Thoughts on the present state of American affairs. IV. Of the present ability of America, with some miscellaneous reflections. Written by an Englishman. [Two lines from Thomson]*. Philadelphia, 1776. Eighteenth Century Collections Online. Gale. University of Akron. 12 Feb. 2014 <http://find.galegroup.com.lib.ezproxy.uakron.edu:2048/ecco/infomark.do?

[75] Ibid.

[76] Ibid.

addressing the rights of women in *Pennsylvania Magazine*. One such article, "An Occasional Letter on the Female Sex" whose author was originally thought to be Paine, was published by him in 1775. Considering Paine's stance against slavery and his willingness to at least publish works concerned with the exclusion of women from the public sphere it is reasonable to view Paine's references to mankind as universal.[77] Paine appealed to every colonist when he wrote, "The Almighty hath implanted in us these unextinguishable feelings for good and wise purposes. They are the guardians of his image in our hearts. They distinguish us from the herd of common animals."[78] Keeping in mind that *Common Sense* was Paine's earliest major political tract, he had already begun to show that the political philosophy that he would develop over the course of his life would be marked by these egalitarian ideas. It is also important to remember that *Common Sense* was narrowly focused with the aim of convincing American colonists that complete separation from Great Britain was the best course of action, and to relinquish any hopes for meaningful reconciliation.

The popularity of Paine's argument for separation in *Common Sense* may have resulted in the political end that Adams desired, but in his opinion, it achieved this end through an undesirable method. Paine did not simply advocate that the American Colonies should seek independence from Great Britain. More importantly and controversially he advocated for the destruction of the monarchial system of government

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[77] Paine, Thomas. *An Occasional Letter on the Female Sex*. Accessed 4/25/2014. http://oll.libertyfund.org/titles/paine-the-writings-of-thomas-paine-vol-i-1774-1779#lf0548-01_footnote_nt024_ref

[78] Ibid.

while at the same time proposing his own vision for a new system of government based upon individual equality. Paine's emphasis on the idea that all individuals regardless of their station in life possessed the right and ability to form representative governments upset Adams, and this feeling can be seen within the response that *Common Sense* elicited from him in the spring of 1776.

Adams' response to *Common Sense* and Paine's egalitarian ideas was somewhat muted in his pamphlet *Thoughts on Government*, but it is important in that it shows a very early challenge to the idea that Paine was Lockean in his ideas. Adams agreed with Paine that republics are the preferred form of government, but he drew a big distinction in how a republican form of government ought to be constructed. It is crucial to note that Adams' style of writing differed from Paine's to a large degree. While Paine was concerned with addressing a public audience that was uninitiated to the world of political philosophers, Adams was not. Adams' philosophically "sophisticated" style becomes apparent after the first seven pages of his pamphlet in which he largely agreed with Paine. On page eight he began his criticism, beginning with the sly observation that, "Of Republics, there is an inexhaustible variety, because the possible combinations of the powers of society, are capable of innumerable variations."[79] By making this caveat, Adams was then able to lay out his own ideas about how a future government of the American Colonies should be formed. He cleverly avoided, at this point in his argument, Paine's assertions of egalitarianism. Instead he gently began to coax his audience into

[79] Adams, John. *Thoughts on Government: applicable to the present state of the American colonies. In a letter from a gentleman to his friend. Philadelphia: Printed by John Dunlap., M, DCC, LXXVI. [1776]* http://infoweb.newsbank.com.lib.ezproxy.uakron.edu:2048/iw-search/we/Evans/?p_produc... 3/25/2014

accepting the idea that only a select few were skilled enough in the science of government to act on behalf of the entire population. "The first necessary step then, is, to depute power from the many, to a few of the most wise and good."[80] The very first thing that Adams advocated in the establishment of his new government was to subsume the will of the majority to that of a few. He denied Paine's assertion that every person has the wisdom to recognize what is best for themselves.

Adams continued to differ with Paine on two other major points. The next point that Adams challenged Paine on is that of his recommendation for a unicameral legislature in *Common Sense*. One of the reasons that Paine advocated for a unicameral system was to reduce the complexities of government and to keep the apparatus of government close to its constituency. He wrote, "I draw my idea of the form of government from a principle in nature, which no art can overturn, viz. that the more simple any thing is, the less liable it is to be disordered, and the easier repaired when disordered."[81] Adams countered this point by arguing that unicameral governments are prone to all of the vices of individuals who, in the opinion of Adams, are likely to act only in their own best interest to the detriment of all others. Adams asserted this point when he wrote, "A single assembly is liable to all the vices, follies and frailties of an individual.-Subject to fits of humour, starts of passion, flights of enthusiasm, partialities of prejudice, and consequently productive of hasty results and absurd judgments: And all

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[80] Ibid.

[81] Paine, Thomas. *Common sense*.

these errors ought to be corrected and defects supplied by some controlling power."[82] He also supported the idea that government should be complex and placed at some distance from its constituency, "Most of the foregoing reasons apply equally to prove that the legislative power ought to be more complex…"[83] Adams' design to select a few representatives also directly opposed Paine's assertion that, "A small number of electors, or a small number of representatives, are equally dangerous. But if the number of the representatives be not only small, but unequal, the danger is increased."[84] Adams' theory of complexity also established an intellectual distance between the institutions of government and the mass of its constituency. For Adams, the science of government is to remain esoteric, that can only be practiced by an initiated minority. This is something that Paine actively attempted to eliminate through his literary style and egalitarian philosophy. The complexity of government and its structure were both important aspects of the science of government that both Paine and Adams took seriously, and their divergent views represent a fundamental difference in their respective philosophies on government.

The second point on which Paine and Adams' diverged concerns the structure and power of the executive branch. At this point in his career Paine had only briefly considered the actual structure of a new government for the Colonies. As noted previously, the main purpose of *Common Sense* was to promote the idea of separation,

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[82] Adams, John. *Thoughts on Government.*

[83] Ibid., Adams continues to explain that a complex assembly will defer potential conflicts between the legislative and executive branches.

[84] Paine, Thomas. *Common sense*.

and unite the colonists behind this purpose. Even so, Paine provided a brief sketch of what he believed a new government should look like. The first major point to note is that he believed his theoretical Colonial government should only gather once a year, and that the representatives should be chosen by the electorate annually. "Let the assemblies be annual, with a President only. The representation more equal." In addition to this he stated that a president should be chosen by these representatives from amongst their ranks, but he did not invest the executive position of the president with any specific power. The president's role is to act as a sort of rule keeper or mediator for the assembly with no specific positive or negative powers.[85] Further evidence for Paine's suspicion of extraordinary powers being invested into one individual or branch of the government occurs throughout the entirety of *Common Sense*. The figure of the king is something which Paine despised and he did not wish to form a new government in America to only empower a new king under a different title. This formulation is evident in a section of *Common Sense* that addresses the negative power of the king. "The powers of governing still remaining in the hands of the king, he will have a negative over the whole legislation of this continent. And as he hath shewn himself such an inveterate enemy to liberty, and discovered such a thirst for arbitrary power; is he, or is not, a proper man to say to these colonies, "'You *shall make no laws but what I please.'"*[86] Arbitrary power held by a single individual or a minority of persons is something that Paine clearly sought to avoid in his outline of how a new Colonial government should be constructed or operate.

[85] Ibid.

[86] Ibid.

John Adams had entirely different ideas on the matter of the executive power. While Paine did not invest the President with any specific powers or even refer to the office of President as the executive, Adams placed the President, or Governor, in a position of power exceeding that of the Legislature. "But the Governor is to be invested with the executive power, with the consent of Council, I think he ought to have a negative upon the legislative." This in effect granted the Governor the same power of the king to disallow the making of any laws that he does not agree with. While Adams wrote that the Governor ought to be elected annually and rule with the consent of the Council, he did not provide the people or the Council with any ability to counter the power of the executive office.

In a further departure from Paine's concern for egalitarian government, Adams invested the executive branch with unlimited positive power as well. "If he is annually elected, as he ought to be, he will always have so much reverence and affection for the People, their Representatives and Councilors, that although you give him an independent exercise of his judgment, he will seldom use it in opposition to the two Houses, except in cases the public utility of which would be conspicuous, and some such cases would happen."[87] It is no wonder that Paine visited Adams soon after the publication of his pamphlet and expressed his indignation about its contents. Adams wrote in his diary that Paine told him, "He was afraid it would do hurt, and that it was repugnant to the plan he had proposed in his Common Sense."[88] Paine had just written an entire pamphlet

[87] Adams, John. *Thoughts on Government.*

denouncing the position of king in government, and the executive powers that the office held. Adams actually increased the power of this office by granting the executive positive powers. These powers were justified by Adams in the same manner that Locke justified the powers of the executive branch in his *Second Treatise of Government*.[89] Locke and Adams both theorized that some situations will arise in which the only effective office of government will be the executive. The powers of the executive are only limited by a sense of reverence or affection towards others, and these powers are effectually left to be utilized at the discretion of the executive officer. This investiture of power in a single individual is anathema to Paine's political philosophy. Adams did not invent this idea himself, but adopted it exactly from Locke's ideas about the sovereign or executive power.

The disagreement between Adams and Paine did not end after the American Revolution. Adams also issued a response to the *Rights of Man* and came to the defense of Burke in 1793. In his pamphlet, *Answer to Paine's Rights of Man*, Adams re-visited the contentious issue of where the true power of government should reside. This response to Paine is much longer and more finely articulated than his response to *Common Sense*. Adams was also more aggressive in his treatment of Paine, as his tone became much harsher, and he called into question whether or not Paine represented the spirit of the

[88] John Adams autobiography, part 1, "John Adams," through 1776, sheet 23 of 53 [electronic edition].

[89] Locke, John. *An essay concerning the true original extent and end of civil government. By John Locke. Salus populi suprema lex esto. With Notes*. Dublin, 1798. Eighteenth Century Collections Online. Gale. University of Akron. 12 Feb. 2014 <http://find.galegroup.com.lib.ezproxy.uakron.edu:2048/ecco/infomark.do?

American Revolution. At the beginning of his pamphlet, Adams tried to separate Paine from the American public by referring to him and *The Rights of Man* in a derogatory manner when he wrote, "If, however, Mr. Paine is to be adopted as the holy father of our political faith, and this pamphlet is to be considered as his Papal Bull of infallible virtue, let us at least examine what it contains."[90] Adams was concerned with two main ideas that Paine presented in the *Rights of Man*, and those are "that the English nation have a right to destroy their present form of Government, and erect another." And that Paine failed to draw a distinction between "*power and right.*"[91] While Adams maintained that some extraordinary circumstance may arise causing for a need in the reform of the English government, he argued any action to do so was bound forever by the Parliament of 1688. "The right of a people to legislate for succeeding generations derives all its authority from the consent of that posterity who are bound by their laws; and therefore the expressions of perpetuity used by the Parliament of 1688." He went even further by asserting that the same principle applied to the United States, serving to further separate Paine from the ideals of the American Revolution.[92]

Adams adopted a strategy that both served to dispute the credibility of Paine's political ideology and resume his original arguments against *Common Sense*. He continuously tried to alienate Paine from the American Revolution by presenting his

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[90] Adams, John Quincy. *An answer to Pain's Rights of man. By John Adams, Esq. London, 1793.* Eighteenth Century Collections Online. Gale. University of Akron. 12 Feb. 2014 <http://find.galegroup.com.lib.ezproxy.uakron

[91] Ibid., 6-7. Use of italics is by the author

[92] Ibid., 8.

ideas as being completely foreign, or original and being without precedent. “Mr. Paine has departed altogether from the principles of the revolution, and has torn up by the roots all reasoning from the British Constitution, by the denial of its existence.”[93] He also accused Paine of attempting to institute a revolution in language through his discussion of the proper formation of constitutions. Paine argued in the *Rights of Man* that sovereign individuals entered the social compact in order to produce a government, and that the process of this formation required the creation of a physical constitution that gave the government its form and right to exist. Paine argued that a government cannot form a constitution, because it would then not arise out of the nation as a whole, and therefore is not legitimate. Adams demonstrated his belief that a government should be composed of the wisest few in his earlier response to *Common Sense*, and in his response to *The Rights of Man* he placed the power of creating constitutions within the hands of that minority that existed in the past. “It is (the English Constitution) composed of a venerable system of unwritten or customary laws, handed down from time immemorial, and sanctioned by the accumulated experience of ages; and of a body of statutes enacted by an authority lawfully competent to that purpose.”[94] The differences between Paine and Adams only grew more distinct when Adams reiterated the principles of Locke in his argument that Paine had failed to properly distinguish between the meanings of power and right.

Understanding the opinions of Adams concerning the definition of right and the placement of power is critical to comprehending a major philosophical difference that

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[93] Ibid., 7.

[94] Ibid., 11. Parentheses placed by the author

exists between him and Paine. Adams did not venture to explain Paine's position on these matters, instead he attempted to convince the reader of the correctness of his own ideas. Paine argued that all power originates from sovereign individuals who voluntarily enter a social compact. The first step that these individuals take in the formation of their government is to form a constitution through the expression of their collective power. For Paine the power to form and dissolve government remains within the body of the nation, the right to utilize this power also forever remains within the body politic from one generation to another. In contrast to these ideas Adams argued that once a group of individuals enter a social compact they at once surrender their individual power and the right to express that power. Adams remained cautious about these pronouncements throughout his pamphlet but careful reading eventually reveals these facts. Adams like Locke, employed a philosophical ploy in which they deprive the people of their power, but then again allow for it to manifest under extreme circumstances, it is important to note that these occurrences are highly theoretical. An example of this philosophical trick can be seen in Adams' response to the *Rights of Man* when he wrote, "But as the English have delegated all their power, I contend they have no right in their original character to change their form of Government unless it has become incompetent for the purpose for which all Governments are instituted."[95] Locke used this same method in his *Second Treatise of Government* when he took away all reformative powers from the people citing their implicit willingness to surrender them upon their entrance into society.

[95] Ibid., 14.

What is perhaps more important is that even under these circumstances the right of the people to seek redress from their government was also highly questionable to Adams and Locke. The final section of Locke's *Second Treatise of Government* is worth quoting at length because it shows a direct correlation between the thoughts of Adams and how Paine was directly opposed to each:

> To conclude, the *power that every individual gave the society*, when he entered into it, can never revert to the individuals again, as long as the society lasts, but will always remain in the community; because without this there can be no community, no common-wealth, which is contrary to the original agreement: so also when the society hath placed the legislative in any assembly of men, to continue in them and their successors, with the direction and authority for providing such successors, *the legislative can never revert to the people* whilst that government lasts; because having provided a legislative with power to continue forever, they have given up their political power to the legislative, and cannot resume it. But if they have set limits to the duration of their legislative, and made this supreme power in any person, or assembly, only temporary; or else, when by the miscarriages of those in authority, it is forfeited; upon the forfeiture, or at the determination of the time set, *it reverts to the society*, and the people have a right to act as supreme, and continue the legislative in themselves; or erect a new form, or under the old form place it in new hands, as they think good. [96]

In this section from Locke's text, the origin of Adams' thoughts about right and power can be seen. The philosophical methods of each man are also similar in that they followed the same script of taking power and right away and then bestowing them back to the people under impossible circumstances. The problem with the second half of Locke's statement is that it is impossible for a new society to set limitations or a definition of what is to be considered a maleficent act by the government because at the initial act of entering the social compact they surrender all rights and power. To whom power and

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[96] Locke, John. *An essay concerning the true original extent and end of civil government. By John Locke. Salus populi suprema lex esto. With Notes*. 209-210.

right are ceded may be Adams' wise men, or governor, both of which he mentioned in his earlier response to *Common Sense*. Adams' figure of the governor is similar to Locke's sovereign, and Rousseau's lawgiver, none of which can ever be challenged under this model.

Like Locke, Adams professed that the power and right of the people may revert back to them in some highly unlikely future scenario throughout his work, except in the final section. There he rescinded the idea that power and right can revert to the people in these cases, when he asserted that even under these unforeseen dire circumstances the current government should retain the power to reform itself. "The very act by which septennial Parliaments were established in England, afford sufficient proof that the power of altering the Constitution itself ought to be delegated, and even exercised by the Government upon certain critical occasions."[97] The differences between Locke and Paine are substantial, and these differences were obvious to other political writers, besides Adams, who were also contemporaries of Paine.

Thomas Elrington who was a lecturer at Trinity College in Dublin, Ireland in 1793 wrote his own response to the *Rights of Man*. He was an active member of the Royal Irish Academy throughout his life, and was promoted to the position as provost of Trinity College in 1811, and then the bishopric of Limerick in 1820. Elrington was also noted for his anti-Catholic rhetoric which was particularly strong. His *Thoughts on the Principles of Government* was a direct response to the ideas of Thomas Paine in which he

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[97] Adams, John Quincy. *An answer to Pain's Rights of man. By John Adams, Esq. London, 1793.* 34.

challenged Paine on a number of points. Elrington expressed his motivations to write this pamphlet when he wrote, "But to come more directly to the point; on Locke's system has the celebrated dogma of citizen Thomas Paine, *That whatever the majority of a nation have a mind to do, they have a right to do,* been founded; and it must be acknowledged that Locke's manner of expressing himself has been as to render it difficult to disencumber him of his modern associate…"[98] His foremost argument driving the entirety of his pamphlet was to defend the reputation and integrity of Locke's political philosophy. He argued that Locke's *Second Treatise of Government* was key to establishing the stable political system of Great Britain in the aftermath of the Glorious Revolution of 1688. Similar to Adams, Elrington contended that the Constitution of Great Britain was superior to the French Constitution of 1793, and a guiding influence for the creation of the United States Constitution.[99] The impetus for his taking up the pen was his observation that many misconceptions of Locke's theory had been circulating at that time. The main contention that Elrington raised in his writing was that Paine had been mistaken for promoting the ideas of Locke.[100]

Paine's egalitarian vision of representative government was something completely different from what Locke had proposed, according to Elrington. Criticizing Paine's claims, Elrington wrote, "We now hear a demand made to *extend the constituent to the*

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[98] Elrington, Thomas*. Thoughts on the principles of civil government, and their foundation in the law of nature*. 6. By S.N. Dublin, 1793. Eighteenth Century Collections Online. Gale. University of Akron. 19 Mar. 2014 <http://find.galegroup.com.lib.ezproxy.uakron.edu. Italics are the authors.

[99] Adams, John Quincy. *An answer to Pain's Rights of man. By John Adams, Esq. London, 1793.* 31, 34.

[100] Elrington, Thomas*. Thoughts on the principles of civil government, and their foundation in the law of nature*. 4.

fullest dimensions of the constitution: a demand not merely to have the abuses which all men admit to have exist in our present government remedied; but to model the principle part of the constitution, the representatives of the people, in a manner wholly different from its original design."[101] Elrington's interpretation of Locke and vision of government was closely aligned to those of Adams and Burke, who argued for a limitation in the amount of participation in government. The limitations that Elrington proposed were multilayered. He decried Paine's assertions that everyone should have the right to vote, and his first concern was that Roman Catholics would have been granted the rights of electing representatives and also would be allowed to become representatives. His next concern was that every man, and even more troubling, women of the nation would be granted these same rights under the political ideals proposed by Paine. [102] Elrington also followed the strategy of Adams in trying to discredit Paine as an unsophisticated political writer who was upsetting the natural order established by Locke in pursuit of his private passion and "inclination for novelty." He dismissed Paine and his work by arguing for the stable condition of the government of Great Britain that, in Elrington's opinion, had persisted for centuries.[103]

What threatened this stability the most according to Elrington, was Paine's proposal to extend the constituency of the government. Elrington argued that Locke never supported the alteration of the requirement of property ownership for the right to

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[101] Ibid.

[102] Ibid., 6-7.

[103] Ibid., 7-8.

participate in government. "We do not meet with the least hint that can lead us to suspect him, of having wished to alter the established rules which made certain property a necessary qualification in the electors."[104] Furthermore, Elrington insisted that the very purpose of Locke's proposed system of government held the protection of property as its primary aim. This interpretation of Locke opposed the main tenets of Paine's political thought. Paine also argued that the main purpose of government is to secure individual property, but his definition of property elevates the right to vote as the most important property that an individual possesses.[105] Elrington justified the requirement that electors be subject to property requirements by arguing that only they held sufficient interest in the good of the nation to guarantee that their motives would be in the interest of the larger good. He claimed that this opinion was in line with the precepts of Locke's philosophy. It is worth quoting Elrington at length in order to understand just how much he believed Paine's ideas were in opposition to Locke's:

> Here then we have Locke's rule as to disfranchising old, and incorporating new burroughs, and that in such words as fairly prove that he would, had the question been before him, have given a similar opinion upon the rights of persons, as upon the rights of places, to be represented; and undoubtedly excluded those who having no property cannot be considered as sufficiently independent to make free choice, nor connected with the state by a security strong enough to ensure their attention to its interests; and who being enslaved to their daily necessities, are not possessed either of the means or the leisure to obtain such information upon

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[104] Ibid., 22.

[105] Paine, Thomas. *The rights of man, for the benefit of all mankind. By Thomas Paine, author of Common sense, American crisis, Age of reason, Rights of man, &c. &c.* Paine, Thomas*. Dissertation on first principles of government. By Thomas Paine, Author Of Common Sense, Rights Of Man, &c. Deputy To The Convention, And Secretary To The Congress During The American War.* 12, 16. London, [1795?]. Eighteenth Century Collections Online. Gale. University of Akron. 12 Feb. 2014 <http://find.galegroup.com.lib.ezproxy.uakron.edu.

> political subjects, as is sufficient even to enable them to judge wisely in the choice of person to act for them.[106]

Elrington argued that people who do not meet the requirements of property ownership have no place in government to act on their own behalf, or even elect someone to represent them. He also argued that because they have voluntarily entered the social compact, they must submit to this system for the public good. It is important to remember that being born into such a society constitutes the voluntary act of entering the social compact.[107] These ideas which deny the right to vote to those without property and binds every newborn to this system through their implied consent, which is evident of their mere presence within the society, is counter to the principles expressed by Paine in the *Rights of Man*, *Common Sense* and his pamphlet *Dissertation on the First Principles of Government*.

Like Adams, Elrington opposed Paine's support for a unicameral system of government. He argued that a single body made up of representatives of the majority, would be subject to the influence of their electors, and their individual passions. These passions, according to Elrington, would overwhelm the reason of both bodies, causing harm to the nation. "The voice of reason will be little attended to; and laws then made by the whole body of people, will probably be injurious to their real interests."[108] He cited

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[106] Elrington, Thomas. *Thoughts on the principles of civil government, and their foundation in the law of nature*. 23.

[107] Locke, John. *An essay concerning the true original extent and end of civil government. By John Locke. Salus populi suprema lex esto. With Notes*. 99.

[108] Elrington, Thomas. *Thoughts on the principles of civil government, and their foundation in the law of nature*. 14.

Locke for his reasoning of his solution of representing the majority while containing their injurious tendency to be governed by their passions. He supported the idea that a representative body should be elected by those in society "whose situation in life makes it probable that he will be a good judge of the interests of his country."[109] To offset the potential for this body to abuse its power, Elrington, like Adams, argued that another body must form an opposing faction. Elrington wrote that this body was not to be elected because it would then be subject to the same faults of the body of representatives. Instead of gaining their position through election, Elrington proposed that this body of men should arise from men who would be rewarded for their "long services to the state." As reasonable as this proposal may sound, Elrington immediately withdrew this idea, because he doubted that there could be any agreement on what criteria would constitute services deserving of such a reward. He then illustrated another major point of his contention with Paine's political ideas by supporting the idea that these men be given their positions of power through a system of hereditary succession. Elrington did not name Paine at this point but he referred to him, writing, "The rank must be hereditary as it is with us; a mode of choosing men (if it can be called a choice) not so improper as some theorists imagine."[110]

Elrington agreed with Adams that the Constitution of Great Britain was the best constitution that had existed to that point because it regulated the passions of the people and their representatives most effectively. Elrington argued that a body of hereditary

[109] Ibid., 15.

[110] Ibid., 16 Parentheses are the author's.

senators was best suited to fulfill this oppositional role because it did not rely upon the favor of the people or the executive. In contrast to Paine, Elrington, who based his political ideas on the philosophy of Locke, was only concerned with controlling the lower classes through the establishment of restrictive measures. He argued that Locke held no concern for the rights of the people who made up the lower classes. Referring to Locke, Elrington wrote, "The rights of the lowest classes in the state to intermeddle in the government, never once were thought of by him."[111] This statement and interpretation of Locke's theory could not be farther from Paine's ideas about government. Thomas Paine had always argued for the right of every individual to elect representatives, and if need be, act to change their government completely. He also consistently opposed any form of hereditary succession in society or government.[112]

In 1798, Ireland experienced a rebellion orchestrated by the United Irishmen, a radical political group that identified with principles of the French Revolution. The prominent Irish nationalist and political theorist Arthur O' Connor joined the United Irishmen in 1796. During the summer of that year he travelled with his friend Lord Edward Fitzgerald to Angers, in western France in order to lobby for a French invasion of

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[111] Ibid., 20.

[112] Paine, Thomas. *Common Sense*. Paine, Thomas. *The Rights of Man* Paine, Thomas. *Agrarian justice opposed to agrarian law, and to agrarian monopoly; being a plan for meliorating the condition of man, by creating in every nation a national fund, To pay to every Person, when arrived at the Age of Twenty-One Years, the Sum of Fifteen Pounds Sterling, to enable him, or her, to begin the World; and also, Ten Pounds Sterling per Annum*
during Life to every Person now living of the Age of Fifty Years and to all Others when they shall arrive at that Age, to enable them to live in Old Age without Wretchedness, and go decently out of the World. By Thomas Paine, author of common sense, rights of man, &c. &c. [London], [1797?]. Eighteenth Century Collections Online. Gale. University of Akron. 19 Mar. 2014 <http://find.galegroup.com.lib.ezproxy.uakron.edu

Ireland in support of an Irish uprising. The result of this trip to France was a success as he and Fitzgerald convinced the French General Hoche to commit to providing military support for the Irish rebels. The French landings at Bantry Bay in December of 1796 failed however, and left the rebels without French assistance in their campaign of 1798. The specter of violent political change had affected the general political atmosphere of Ireland and even though O'Connor had played a minimal role in the Rebellion of 1798 he was arrested and confined in Fort St. George from 1799-1802.[113] The impact of Thomas Paine's political philosophy can be seen in a poem that O' Connor wrote during his transport to Fort St. George in 1798:

1. The pomp of courts, and pride of kings,
3. I prize above all earthly things;
5. I love my country, but my king,
7. Above all men his praise I'll sing.
9. The royal banners are display'd,
11. And may success the standard aid:
2. I fain would banish far from hence
4. The Rights of Man and Common Sense.
6. Destruction to that odious name,
8. The plague of princes, Thomas Paine,

[113] Livesey, James. "O' Connor, Arthur (1763-1852)." James Livesey *Oxford Dictionary of National Biography*. Ed. H.C.G. Matthew and Brian Harrison. Oxford: OUP, 2004. Online ed. Ed. Lawrence Goldman. Sept. 2013. 28 Mar. 2014. <http://www.oxforddnb.com/view/article/205097.

10. Defeat and ruin seize the cause

12. Of France, her liberty, and laws.[114]

Published as a letter to the editor of "Drakard's Paper", O' Connor's poem was written in code. The proprietor of the paper, John Drakard, was a committed radical who likely knew the cipher to the code and circulated it amongst sympathizers of the United Irishmen.[115] If the lines are read sequentially the poem appears to support the king of Great Britain and to be nationalistic in tone. When the lines are read in order as they are numbered the poem contains an entirely different meaning. O'Connor's poem became a popular song amongst political radicals and revolutionaries in Ireland, and this may partially explain why Thomas Elrington and the publisher of the Irish Royal Academy, George Bonham, felt the need to republish John Locke's *Second Treatise of Government* in 1798.

This re-publication of Locke's seminal political work contains the notes of Thomas Elrington and an advertisement written by George Bonham. The purpose of this annotated edition of Locke's work was to differentiate it clearly from the ideas of Paine. It is also interesting to note that Bonham and Elrington chose to publish the work under the subtitle of the original book written by Locke. Instead of using the common title of *Locke's Second Treatise of Government* Bonham and Elrington chose to use only the

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[114] O' Connor, Arthur. "The Pomp of Courts, and Pride of Kings." *British War Poetry in the Age of Romanticism, 1793-1815*. Ed. Orianne Smith. Romantic Circles. September 2004. 28 Mar. 2014. <http://www.rc.umd.edu/editions/warpoetry/1799/179 9_5.html.

[115] Barker, G. F. R. "Drakard, John (1774/5–1854)." Rev. M. Clare Loughlin-Chow. *Oxford Dictionary of National Biography*. Ed. H. C. G. Matthew and Brian Harrison. Oxford: OUP, 2004. Online ed. Ed. Lawrence Goldman. 26 Apr. 2014 <http://www.oxforddnb.com/view/article/8019>.

subtitle which was *An Essay Concerning the True and Original Extent and End of Civil Government*. [116] The phrase "true and original extent of civil government", was particularly important to the publisher and commentator. They chose to use this subtitle because it highlighted for them that Locke limited the scope of civil government. It may have also been in response to one of Paine's latest works, his *Dissertation on First Principles of Government*. Elrington and Bonham argued that Paine's work was in direct opposition to the ideas that were handed down by Locke. They also claimed that those who argued that Paine's work was supported by Locke's ideas were incorrect or were purposely misleading people. In his advertisement, Bonham wrote that modern politicians had proclaimed that it was the birthright of the people to do "*wrong"*, while Locke had acknowledged monarchs did not possess "The *divine right of doing wrong.*" Bonham then named Paine as being responsible for the creation of such a backward system and noted that Locke had been cited as an authority in support of Paine's ideas. "This is the system of citizen Thomas Paine, by whom we are told that *whatever the people have a mind to do, they have a right to do;* and in support of this system the authority of Locke has been very confidently cited."[117] Bonham did not say exactly who had claimed Locke as an authority in support of Paine's work. He may have been referring to men like Arthur O' Connor who had joined the United Irishmen, but Paine himself had not cited

[116] For the sake of brevity I will hereafter refer to this publication as *Locke's Second Treatise of Government*.

[117] Locke, John. *An essay concerning the true original extent and end of civil government. By John Locke. Salus populi suprema lex esto. With Notes*. iv.

Locke in *Common Sense*, the *Rights of Man* or his *Dissertation on First Principles of Government*.

In the latter half of his advertisement Bonham went on to argue that Locke's use of the term *people* was much more limited in its meaning than that of Paine's. He made the same argument that Elrington had made in his 1793 response to Paine, that *people* in Locke's mind only referred to those, "who were possessed of such property as was sufficient to secure their fidelity to the interests of the state." He also wrote that Locke's idea of the supreme power of the people was different from Paine's in the sense that Paine had made the power of the people supreme and arbitrary. According to Bonham the supreme power of the people only existed while they remained in the state of nature, and they had then surrendered this power upon entrance into the social compact. Bonham was careful to counter any criticism that Elrington was offering any original interpretation of Locke through his notations and that he and Elrington were merely establishing the "important distinctions between the system of Locke and the theories of modern democrats."[118] The fact that Elrington felt the need to combat the idea that Paine's thoughts were closely associated to, or based on those of Locke, twice in a span of five years, reveals that there was major resistance to this idea in certain intellectual circles. It is not surprising that Paine did not dispute the idea that he was following the tenets of Locke, even if he had told Adams that he had not read Locke.[119] Paine was interested in

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[118] Ibid., v.

[119] Fruchtman, Jack Jr. *The Political Philosophy of Thomas Paine*. 5.

contributing to the development of revolutionary movements in his lifetime, and if an association with Locke seemed to help his cause, it is not unthinkable that he would neither claim his influence nor deny it, as long as it aided his cause. The fact that Paine did not deny this association suggests he may not have read Locke, due to the contradictory positions that they each held.

Like many political philosophers, Elrington had to wrestle with the origins of society and the state of nature that had existed before men entered into a social compact. Elrington approached this task with a notation to the twelfth section of Locke's treatise in which Locke explained the relationship of municipal laws to the right to punish, which had existed in the state of nature. Elrington used this opportunity to discuss the origins of law within society, he cited sections one hundred thirty five and one hundred twenty-eight of Locke's treatise, to support his argument that municipal laws are derived from the rights men possessed in the state of nature. He argued that this was Locke's original point and that men like Paine had contorted this point to propose that the law originates from the will of the majority. Elrington expressed this opinion when he wrote, "From these passages we learn the true excellence of laws, by a criterion very different from their conformity to the will of the majority of the people."[120] Elrington argued that because laws are derived from the will of the majority, they must be regulated and interpreted through the original laws of nature. The excellence of the law therefore is based on how true it remains to the freedoms individuals enjoyed in the state of nature. Law itself must be regulated because in the social compact it arises from the majority of

[120] Locke, John. *An essay concerning the true original extent and end of civil government. By John Locke. Salus populi suprema lex esto. With Notes*. 11.

which Elrington warns, "Whose will may not be always under the direction either of wisdom or justice."[121]

Elrington revisited the issue of how power should be delegated within society in his notes on section 134 of Locke's treatise. He again asserted his argument that power should only be held by those who have sufficient property, and therefore interest in the state. Those who do not meet these requirements are not to possess the right or power to participate in their government. Elrington maintained that Locke did not advocate for universal suffrage, "From the expressions here made use of it appears evident that Locke, when speaking of the political power of *the people*, had no idea that he would be interpreted as attributing that power to *the multitude*."[122] Through his argument that municipal law should be based on the rights that existed in the state of nature, Elrington limited the power of the representative body. The body that screens the laws arising from the majority, or represented class, is the body of the senators who are granted their position through a system of hereditary succession.[123] In this manner, these few that Elrington, Locke and Adams proposed could act as a restriction on the arbitrary power of the majority, and were freed from the bonds of the social compact, and were able to maintain the freedoms that they possessed in the state of nature. Paine's philosophy of equal representation, and his attacks against all forms of hereditary rule, threatened the

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[121] Ibid.

[122] Ibid.,140. Italics are the author's

[123] Elrington, Thomas. *Thoughts on the principles of civil government, and their foundation in the law of nature*. 20.

sovereign power of this class of individuals who are able to maintain their natural rights while the majority had surrendered them by entering into a theoretical social compact that only applied to them. The threat that Paine's ideas posed to this system of government, and the shock of Locke's philosophy being associated with him is what spurred Adams, Burke, Elrington and Bonham into action against him.

Elrington's argument, and the argument that he said Locke had made, marks a huge distinction between their ideas and those expressed by Paine. For Paine, the state of nature, and the conditions in which men lived in that state were surrendered once they entered the social compact. In exchange for the loss of their freedom to punish or act on individual passions detrimental to society this freedom was replaced with the right to participate within the political society they entered. This is in contrast to Elrington's (Locke's) argument that the laws within the social compact must be held up to the standards of the state of nature, so that they do not impede the individual will. The question is, what mechanism acts as the filter of the laws derived from the majority? The answer can be found within the arguments that Elrington and Adams had made against Paine's system of an egalitarian unicameral government in their responses to *Common Sense* and the *Rights of Man*, as well in Elrington's notes on Locke.

It is apparent that Paine's contemporaries thought he was at best misinterpreting the work of Locke, or more likely, they thought he was presenting his own ideas which were completely in opposition to how they interpreted Locke. The latter assumption is supported by their increasingly hostile manner in which Adams, Elrington and Bonham

mentioned him directly in their writings.[124] Adams and Elrington both challenged the idea that Paine's ideas closely resembled Locke's and thought it was necessary that they should attempt to counteract any such notion within the public mind. Adams published his pamphlets *Thoughts on Government* in 1776 and *Answer to Paine's Rights of Man* in 1791 to dispute the idea that Paine was advocating the same ideals found in Locke's *Second Treatise of Government*. The idea that Paine was a disciple of Locke also elicited two responses from Thomas Elrington and the one from his publisher in 1798, years after Paine had published his *Rights of Man*. Writers that have sought to understand the work of Thomas Paine more recently have not considered these contemporary criticisms seriously, or not at all in the case of Elrington and Bonham. They consider Adams' criticisms as being similar to Burke's criticism of the French Revolution, when they suggest that Adams and Burke represented a line of thought more conservative than that of Paine and Locke. Until now Paine's ideas have not been considered to be completely different from Locke, Adams, Elrington and Burke.

Through a direct comparison of Locke's *Second Treatise of Government* with the major writings of Thomas Paine, this chapter has shown that Paine's contemporary critics were correct in their argument that Paine was not a follower of Locke's political philosophy. A careful reading of Locke's chapters on sovereign power and property

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[124] This can be seen if one reads Adams' *Thoughts on Government* and compares his references to Paine in his *An answer to Pain's Rights of man*. This is also true in the case of Elrington's publications *Thoughts on the principles of civil government* and in his notes to Locke's second treatise of Government. Bonham does not treat Paine kindly in his advertisement section of Elrington's edited version Locke's second treatise, *An essay concerning the true original extent and end of civil government. By John Locke. Salus populi suprema lex esto. With Notes.*

reveal that his theoretical society and government is created with the end of securing personal property for an elite class. This class also retains the sovereign power it possessed in the state of nature, which allows for political power within the social compact. A division is thus created within Locke's system between property holders and the propertyless, who, having surrendered their sovereign power upon condition of entering society, have no means or right to effect change. These characteristics of Locke's society and government are very similar to the models of government envisioned by Adams, Elrington and Burke. Each of these writers maintained that a divided body politic was necessary to the political stability of society, which relied upon the restriction of the political power of the majority. In addition to this restriction, these writers also argued that not all individuals should be considered a part of the body politic. All of these writers also agreed with Locke that the preservation of personal property is the true and sole aim of government. They also maintained, like Locke in his chapter on property, that the government has no right to separate an individual from any part of their property without their consent.

Paine was directly opposed to these ideas espoused by Locke and his supporters. He never separated the sovereign power from individuals, only arguing that this power now becomes stronger when it is utilized in concert with others. He also established a strict separation of powers that held each branch of government ultimately responsible to the entire community. This aspect is present in the philosophy of Locke, but is deficient because he places ultimate sovereign power with the executive through the use of his idea of prerogative. While the executive and legislature is restrained by the power of the

people for Paine, it is only restrained by the conscience of the individual executive for Locke. The last major difference illustrated in this paper are the positions that Paine and Locke took toward the issue of property. In Locke's system, the individual is free to hoard wealth and "pile" it up with no responsibility to the society which allowed for him to acquire wealth beyond what is required for his personal use. Paine on the other hand believed that the government held the power to tax and separate property from the individual in order to compensate for the inherent injustices within civilization. Most importantly Paine did not make this argument on the basis of charity, but right. He argued that it was the right of the propertyless to be compensated for the land that they would otherwise possess if they remained in the state of nature.

The fundamental differences between the philosophies of Locke and Paine which have been explored in this chapter show that Paine was indeed very complex. His ideas originate from an influence that is outside the realm of enlightenment philosophy. A tradition that encompasses political philosophers who built upon their predecessors works and exhibited their influence. One can see the influence of Thomas Hobbes in the work of Locke, and his work in Rousseau's, but Paine is fragmented from this tradition and represents a method of thinking about the origin and purpose of society and government that is original at its core.

Paine's departure from and confrontation with the conventions of modern philosophy and specialized language reached a climax in December of 1792. After his harsh critique of Burke's *Reflections* through the publication of both parts of *Rights of Man* the English government felt compelled to take legal action against Paine. The

following chapter will examine the immediate impact of Paine's work on English political culture during the tumultuous period of 1791-92 as well as further illustrate the uniqueness and threatening nature of his ideas.

CHAPTER III

THE BURKE PAINE DEBATE

In November, 1790 Edmund Burke finished his most famous political tract, *Reflections on the Revolution in France*. The personal tone of the coming debate was set by Burke in the opening of his critique of the Revolution. He accomplished this by framing his work as a "Letter intended to have been sent to a Gentleman in Paris" by which he meant Paine. Burke goes on to explain that "the following reflections had their origin in a correspondence between the Author and a very young gentleman at Paris, who did him the honour of desiring his opinion upon the important transactions, which then, and ever since, have so much occupied the attention of all men." He acknowledges the fact that he intended to keep his thoughts confined to a private letter to Paine, but then provides an explanation as to why he has decided to publish them publically. Burke simply stated that "his sentiments had grown in extent," and that he had "received another direction" since last communicating with the gentleman to whom his work was addressed.[125] Though Burke did not directly mention Paine by name, it is obvious that he was directing his

[125] Burke had been keeping regular contact with Paine while in order to receive firsthand information about the events of the revolution. Burke had left Paine's inquires about his thoughts on the matter unanswered until he published his *Reflections on the Revolution in France*. Edmund Burke, *Reflections on the Revolution in France, and on the Proceedings in Certain Societies in London Relative to that Event. In a Letter Intended to Have Been Sent to a Gentleman in Paris. By the Right Honourable Edmund Burke* (London, 1790), i-iv. Accessed 19 March. http://findgalegroup.com.lib.ezproxy.uakron.edu:2048.

thoughts towards him, and by doing so in public without first discussing the matter of the Revolution with him in private, only added to Paine's anger and urgency to respond in kind.

When Edmund Burke issued his famous criticism of the French Revolution in 1790 he inspired Paine to write what is perhaps his most comprehensive articulation of his political ideas. A major point of contention between Paine, Burke, Adams, and other political writers concerned where the power to reform government lay in society.[126] Burke opened his *Reflections on the Revolution in France* by citing three precepts that revolutionary writers and politicians had adopted. He cited a sermon delivered by Dr. Richard Price, a close friend of Benjamin Franklin, and supporter of the American Revolution, in which he informed his audience that the people of England possessed three new rights, "To choose our own governors, to cashier them for misconduct, and to frame a government for ourselves."[127] Burke argued that these ideas have no place within the political discourse because they had not been mentioned or granted by the "the great lawyers and statesmen" who drew up the *Declaration of Right* after the Glorious

[126] The Burke-Paine debate has been acknowledged as a significant event in political and intellectual history by scholars and social commentators. For a recent treatment of the debate see Levin. *The Great Debate*. Christopher Hitchens. *Thomas Paine's Rights of Man* (New York, Grove Press, 2008). Jack Fruchtman Jr., *Thomas Paine: Apostle of Freedom* (New York, Four Walls Eight Windows, 1994), 17. Steven Blakemore. *Intertextual War: Edmund Burke and the French Revolution in the writings of Mary Wollstonecraft, Thomas Paine, and John Mackintosh* (London, Associated University Presses, 1997).

[127] He was a founder member of the Society for Constitutional Reform (1780) and when the Society for Commemorating the Revolution in Great Britain (known as the Revolution Society) revived its activities, Price played a prominent part in its proceedings. He was invited to address the Revolution Society at the meeting held at Old Jewry on 4 November 1789. His address was published under the title A Discourse on the Love of our Country (1789).Thomas, D. O. "Price, Richard (1723–1791)." D. O. Thomas *Oxford Dictionary of National Biography*. Ed. H. C. G. Matthew and Brian Harrison. Oxford: OUP, 2004. Online ed. Ed. Lawrence Goldman. May 2005. 26 Apr. 2014 <http://www.oxforddnb.com/view/article/22761>.

Revolution of 1688.[128] He then proceeded to defend the idea that the state should possess a means to reform itself, however his criticism of the French Revolution lays in its method of change. Burke maintained a Lockean stance, is nearly identical to the view expressed by Adams in his response to *Common Sense*. While the idea of reform is thought to be necessary at times by both Adams and Burke, it is only under extraordinary circumstances, and the power of reform lays within the state itself, not the people.[129] The voice and will of the people was rendered unimportant by Burke and Adams who maintained a strict adherence to Locke's philosophy. For evidence of the correctness of his ideas, Burke looked back to the period of the Restoration and Glorious Revolution, arguing that the people of England during those times displayed their wisdom by holding to their traditional form of government.

> The two principles of conversation and correction operated strongly at two critical periods of the Restoration and the Revolution, when England found itself without a king. At both those periods the nation had lost the bond of union in their ancient edifice; they did not, however, dissolve the whole fabric. On the contrary, in both cases they regenerated the deficient part of the old constitution through the parts which were not impaired.[130]

By using these examples, Burke was able to argue that even during the most extreme challenges to the social order, it is not the place of the people to dismantle their traditional system of government.

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[128] Burke, Edmund. *Reflections on the Revolution in France, and on the proceedings in certain societies in London relative to that event. In a letter intended to have been sent to a gentleman in Paris. By the Right Honourable Edmund Burke. London, M.DCC.XC.* [1790]. 20-21. Eighteenth Century Collections Online. Gale. University of Akron. 19 Mar. 2014 http://find.galegroup.com.lib.ezproxy.uakron.edu:2048/ecco/infomark.do?

[129] Burke, Edmund. *Reflections on the Revolution in France*. 29-35.

[130] Ibid., 29-30.

For Burke, any considerations with the aim of forming governments or reforming them ought to be guided by conservative wisdom and caution. He expressed these sentiments by writing "The true lawgiver ought to have an heart full of sensibility. He ought to love and respect his kind, and to fear himself. It may be allowed to his temperament to catch his ultimate object with a glance; but his movements towards it ought to be deliberate."[131] The characteristics of Burke's lawgiver are very similar to Adams' governor. Although he is invested with sovereignty and an undisputable prerogative to act in the best interest of his society, he is only limited by his own temperament. While Burke did not specifically mention Locke, he did refer to Rousseau, who, like Adams and Locke, placed sovereign power in a single individual. Rousseau referred to this person as the lawgiver, so it is interesting to note Burke's use of the term. His use of this term and his reference to Rousseau are useful here in light of the habit of historians and political scientists to consider Paine's ideas to be influenced by Rousseau. Burke's writing expressed a sentiment that is directly opposed to this assertion. He used Rousseau to shame the politicians and writers who supported the French Revolution when he wrote, "I believe, that were Rousseau alive, and in one of his lucid intervals, he would be shocked by at the practical frenzy of his scholars, who in their incredulity discover an implicit faith." The "implicit faith" that Burke refers to is one that he believed revolutionary politicians hold, and was necessary in their search to find "new and unlooked-for strokes in politics and morals."[132]

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[131] Ibid., 248.

[132] Ibid., 252.

If anyone held such a faith that a new system of politics and morals could yet be discovered, it was Thomas Paine. His *Rights of Man* was a scathing rebuke of Burke's defense of the structure and traditions of English government. Paine defended Dr. Price's assertion that the people of England possessed the rights to reform and elect their own government. He chastised Burke for arguing that the people of England would fight to preserve their traditional form of government, and that they would reject the rights that Dr. Price argued for in his sermon. He did this by asserting that he never knew of an occasion when men would fight to deprive themselves of rights. He then attacked Burke for his argument that because the English Parliament of 1688 thought that a particular system of government was needed at that time that it should persist throughout time. Paine's argument against monarchy and hereditary government was aimed at all forms of government, not just those possessing a king and an aristocracy. Paine wrote that, "There never did, there never will, and there never can exist a parliament, or any description of men, or any generation of men, in any country, possessed of the right or the power of binding and controlling posterity to the '*end of time*,' or of commanding for ever how the world shall be governed, or who shall govern it."[133] Paine placed the power of government within every generation by writing, "Every age and generation must be free to act for itself, *in all cases*, as the ages and generations which preceded it."[134] From the

[133] Paine, Thomas. *The rights of man, for the benefit of all mankind. By Thomas Paine, author of Common sense, American crisis, Age of reason, Rights of man, &c. &c.* Philadelphia, 1797. 3-4. Eighteenth Century Collections Online. Gale. University of Akron. 12 Feb. 2014 <http://find.galegroup.com.lib.ezproxy.uakron.edu.

[134] Ibid.

outset of his argument in the *Rights of Man,* Paine placed the power and right of reform within the hands of the people of a nation, and he clearly did not see change in government as a negative occurrence. These sentiments are in opposition to those expressed by Adams and Burke, who looked to Locke for their guiding principles.

Burke did name two political societies, and Richard Price, as being responsible for sparking a need within him to craft a full written response to ideas that he viewed as dangerous and irresponsible. First Burke disavowed any association or membership in the Constitutional society, and Revolution Society, the society for which Price delivered a sermon in November 1789. He then described the content of that inflammatory sermon he heard Price give on the virtues of the French Revolution. Burke took issue with three points that Price had made in his sermon concerning what Burke considered as "metaphysical abstractions."[135] Burke interpreted Price's speech as comparing the French Revolution to the Glorious Revolution of 1688. According to Burke, Price had impressed upon the audience that the people of England had forgotten their rights to "Choose our own governors, to cashier them for misconduct, and to frame a government for ourselves." Burke was appalled by such beliefs and he countered Price's speech by asserting that, "the body of the people of England have no share" in such a new and "hitherto unheard-of bill of rights." This opening criticism of the ideas propagated by Price in his sermon served to establish the foundation of the conservative political philosophy that he laid out in the remainder of *Reflections*. He maintained that the people

[135] Ibid., 2-7.

of England "utterly disclaim" such a theory of rights and that they were "bound to the laws of their country" made at the time of the Glorious Revolution.[136]

Throughout *Reflections,* Burke attacked all of the main principles of political reform that Paine had proposed in *Common Sense*, and presumably in private discussion with his former friend. In terms of the issue of the hereditary passage of wealth and power, Burke attempted to discredit the early arguments of Paine. Burke argued that, "Some decent regulated pre-eminence, some preference given to birth, is neither unnatural, nor unjust, nor impolitic." Burke went even further and asserted that it was the right of the privileged few of France to rule the masses of that nation when he wrote, "It is said, that twenty-four millions ought to prevail over two hundred thousand. True; if the constitution of a kingdom be a problem of arithmetic. This sort of discourse does well enough with the lamp-post for its second: to men who *may* reason calmly, it is ridiculous."[137] For Burke to make such arguments, and address the work to Paine, he was directly attacking the entirety of Paine's political thought.

Paine must have felt deeply shocked and dismayed when he read passages such as these, written by someone he considered a friend, and supporter of his work and the American Revolution. Although Paine's political philosophy and arguments against monarchy and hereditary succession were in its infancy when he wrote *Common Sense*, his position was clear. The second sub-argument that Paine made in *Common Sense* dealt with the issue of monarchy and hereditary succession. Paine argued that hereditary

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[136] Ibid., 20-21.

[137] Ibid., 75-76.

succession tended to guarantee that the most indecent men attained political power. He described monarchs as, "Men who look upon themselves born to reign, and others to obey, soon grow insolent; selected from the rest of mankind their minds are easily poisoned by importance." He proceeds to state that, "Most wise men, in their private sentiments, have ever treated hereditary right with contempt; yet it is one of those evils, which when once established is not easily removed." Paine attributes the continued existence of monarchies to the temperament of three categories of subjects, "that many submit from fear, others from superstition, and the more powerful parts shares with the king the plunder of the rest."[138] In the opening pages of the first part of the *Rights of Man*, Paine makes it clear to Burke that he believed that he was a member of this final group who profited from the inherent injustice of the monarchial system of Britain.

Burke's larger argument in *Reflections* was based on his idea that the Glorious Revolution had preserved the historical traditions of English society and government, and that gradual reform was superior to abrupt change. Burke looked to the distant past of Europe to describe the foundations of the society in which he lived. In contrast to Paine, Burke was nostalgic in his arguments, and spoke of the past as a unifying force that elevated European society above all others. He argued that the code of chivalry established the framework of societal relationships that were dependent upon "generous loyalty to rank and sex," and a "proud submission, and dignified obedience, that subordination of the heart, which kept alive, even in servitude itself, the spirit of an

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[138] Thomas Paine, *Common Sense: Addressed to the Inhabitants of America* (Philadelphia, 1776), 7-16. Eighteenth Century Collections Online. Accessed 12 February 2014. http://findgalegroup.com.lib.ezproxy.uakron. edu:2048.

exalted freedom."[139] These lines illustrate Burke's attempt to frame restraint as an honorable trait that separates dignified European men from those who are governed by their heart, or uncontrolled passions.

A famous passage from *Reflections* provides a clear sense of how Burke appealed to the honor and chivalric sentiments of his readers in his appeal to disregard the messages of radicals like Price and Paine. Here he draws upon his own sense of nostalgia for the past, and the femininity of the Queen of France. In the closing lines of the same passage, Burke shames Frenchmen for allowing her fall from dignity and grace:

> It is now sixteen or seventeen years since I saw the queen of France, then the dauphiness, at Versailles; and surely never lighted on this orb, which she hardly seemed to touch, a more delightful vision. I saw her just above the horizon, decorating and cheering the elevated sphere she just began to move in, glittering like the morning-star, full of life, and splendor, and joy. Oh! What a revolution! And what a heart must I have, to contemplate without emotion that elevation and that fall! Little did I dream that when she added titles of veneration to those of enthusiastic, distant, respectful love, that she should ever be obliged to carry the sharp antidote against disgrace concealed in that bosom; little did I dream that I should have lived to see such disasters fallen upon her in a nation of gallant men, in a nation of men of honor and of cavaliers. I thought ten thousand swords must have leaped from their scabbards to avenge even a look that threatened her with insult. But the age of chivalry is gone.[140]

By declaring the age of chivalry over, Burke hoped to re-ignite similar sentiments to his own in his readers. He painted such a picture in an attempt to convince readers that a society in which they are subordinate is just and natural. In addition to these points, Burke argued that the dignified power of the monarchy is felt as a "soft power" amongst subjects, and that the power expressed through a mob is harsh and unjust. Furthermore,

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[139] Burke, *Reflections*, 112-13.

[140] Ibid.

Burke contends that chivalry was a societal-political force that made kings the companions of their subjects, and obedience a liberal choice that stabilized society.[141] As we have seen from Paine's background he did not feel that the power of monarchs and the aristocracy was "soft" in any way, and that he felt he suffered from the injustice of the system Burke was attempting to preserve.

Following this passage, Burke predicted what will happen to society when "ancient opinions and rules of life are taken away." These sections of *Reflections* are what afforded Burke great acclaim and prestige for his seemingly uncanny ability to predict the violent course of the French Revolution. He eschews the scientific language of the enlightenment in favor of a style of prose that is more direct and fatherly in tone, but is also condescending and arrogant. Rather than place the construction of states within the scientific realm, Burke attempts to relate the process of state building with that of forming a poem, and emphasizing that only the wise can form proper forms of government. He writes that, "The precept given by a wise man, as well as a great critic, for the construction of poems, is equally true as to states." Burke contends that a well-functioning government is dependent on a well-formed "system of manners" and makes no mention of systems of power, or the issue of justice. For Burke, these issues are secondary to the preservation of ancient traditions that have allowed for the development of principles that are less quantifiable than they are felt. The idea and feeling of "*Fealty"*

[141] Ibid., 114-15.

is the transcendent force in society that, for Burke, at once binds all classes of people together and sets them free from the fear of tyranny and death.[142]

The loss of fealty class subordination is what Burke feared the most, and he predicted that once this occurs in society that chaos and violence will follow. What he describes in his writing is the breaking of the social contract and the return of individuals into the philosophical state of nature. Burke contends that without fealty there is no moral compass to guide society and that power will be used by ordinary men and kings alike to secure their physical safety through "preventive murder and preventive confiscation." By asserting this, Burke disallows the idea that human beings naturally gravitate toward a state of cooperation and coexistence. Instead he condemns humanity as being animalistic in nature and in need of guidance from a "wise man," or men, who establish what the "ancient" traditions and manners should be.

In his own way, Burke circled back to the idea of the need for a sovereign power that Locke argued for in his political treatises. This power exists outside the bounds of the social contract and is needed to preserve the foundations of society. Individuals within society cannot revolt against the sovereign without committing violence against their own interests, because without the power of the sovereign in place, each individual becomes susceptible to the power of each other. Burke reveals his adherence to this dogma when he attributes the greatness of European society to the efforts of the nobility and clergy who "kept learning" and assisted in the formation of governments during times of "arms and confusion." According to Burke, these men occupied their natural place in society as

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[142] Ibid., 115-16.

"instructors" of government rather than becoming the "masters" of civilization. The "instructors" that Burke refers to are very similar to Rousseau's law giver in his work *The Social Contract*. These men occupy a position of power that is a step further outside of the social contract they enforce from the king and could be considered more accurately as the sovereign power. He holds these men up as the "natural protectors" of society, who through their learning have guided its development over long periods of time. Burke mourns the loss of these men in France when he writes, "Along with its natural protectors and guardians, learning will be cast into the mire, and trodden down under the hoofs of a swinish multitude."[143] This line encapsulates the single most important way in which Burke and Paine differ in philosophical thought. For Paine knowledge comes from the experience of the multitude, not the specialized learning of the few.

As mentioned earlier, historians, political scientists, and literary scholars have all acknowledged Paine's unique style of writing and appeal to mass audiences. The fact that Paine addressed the common people in a language that they could easily understand was not an original phenomenon however. Many speakers and writers such as Richard Price had been directing their controversial messages to a wide popular audience throughout the 1760's, 1770's, and 1780's.[144] Scholars have been correct in their assessment that Paine was uniquely talented and more widely travelled than men like Price, but they have

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[143] Ibid. 117-18.

[144] Richard Price, *A Discourse on the Love of Our Country, Delivered on Nov. 4, 1789, at the Meeting-House in the Old Jewry, to the Society for Commemorating the revolution in Great Britain* (London, 1789). Eighteenth Century Collections Online. Accessed 25 March 2015. http://find.galegroup.com.lib.ezproxy.edu:2048.

failed to explain why Paine's work was so controversial. Hundreds of writers responded to Burke's *Reflections* in the early 1790's. Some were well-known like Paine, including Mary Wollstonecraft who wrote *A Vindication of the Rights of Men* in 1790 and *A Vindication of the Rights of Woman* in 1792. Her future husband, William Godwin published his powerful philosophical treatise that championed individual rights in 1793. Their mutual friend Joseph Priestley, considered a religious radical, also wrote a response to Burke in his political tract *Letters to the Right Honorable Edmund Burke* in 1791. In each of these works, the authors attacked the monarchy and aristocracy of England, yet none of them were tried by the state like Paine. This is evidence that Paine created a uniquely powerful sense of outrage and fear with the ideas he expressed in *Rights of Man*. In order to illustrate that Paine challenged the government of England on a more fundamental and dangerous level than these other writers we must first examine the nature of their writings.

Wollstonecraft directly attacked the upper-classes in her response to Burke by addressing his admiration of the education that allowed the nobility and clergy to oversee the development of European civilization. With language as polemical as Paine's, Wollstonecraft wrote,

> Yes, Sir, the strong gained riches, the few have sacrificed the many to their vices; and, to be able to pamper their appetites, and supinely exist without exercising mind or body, they have ceased to be men. Lost to the relish of true pleasure, such beings would, indeed, deserve compassion, if injustice was not softened by the tyrant's plea-necessity; if prescription was not raised as an immortal boundary against innovation. Their minds, in fact, instead of being cultivated, have been so warped by education, that it may require some ages to bring them back to nature, and enable them to see their true interest, with that degree of conviction which is necessary to influence their conduct.[145]

She then goes on to attack Burke's argument that manners serve as the foundation of the civilization of Europe. Wollstonecraft asserts that the manners of which Burke referred to had been established from an arbitrary meaning of the concept of honor, and that these manners have been upheld as custom at the expense of morals. For Wollstonecraft, these customary honors have been persevered through hereditary property and hereditary honors. She contends that these practices transform men into "artificial monsters" that have lost their capacity to reason. Wollstonecraft bases this assertion on the observation that these men have failed to recognize that true happiness originates only from the "friendship between equals."[146]

After attacking Burke on the issues of the monarchy, aristocracy, and the clergy Wollstonecraft comes to the defense of Price. She scolded Burke for his lack of respect for an elderly clergyman who had taken the opportunity to voice his opinion on the state of his country. Through her defense of the elder Price, Wollstonecraft accused Burke of venerating property over morality and manners. She also points out that Burke failed to discuss the oppressive laws of the past that punished minor theft, and the poaching of deer with death; rhetorically asking him if he would support the preservation of those customs in order to better guarantee the fealty of the "vulgar."[147] Wollstonecraft branches off from this point to further discuss the issue of property, arguing that the hoarding of

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[145] Mary Wollstonecraft, *A Vindication of the Rights of Men, in a Letter to the Right Honourable Edmund Burke; Occasioned by his Reflections on the Revolution in France* (London, 1790), 10-11. Eighteenth Century Collections Online. Accessed 30 March 2015. http://galegroup.com.lib:2048.

[146] Ibid., 12-13.

[147] Ibid., 33-37.

material wealth by the aristocracy is the source of a variety of social ills. She stated that, "The respect paid to rank and fortune damps every generous purpose of the soul, and stifles the natural affections on which human contentment ought to be built."[148] Sentiments such as these are very similar in tone and meaning as to Paine's ideas in *Rights of Man*, however, Wollstonecraft does not address the issue of perception or language.

It is not surprising that Paine, Wollstonecraft, Priestley, Price, and Godwin expressed ideas that were very similar in each of their political works. Biographers of Paine and Wollstonecraft often mention that this group of radicals spent many nights dining together at the home of the printer Joseph Johnson from 1790 through the fall of 1792.[149] The style, and message contained within all of their works bears a good deal of similarity, and the intended audience was also largely the same. Only Paine was singled out for prosecution in 1792, and only he was the subject of hundreds of newspapers articles attacking his work, reputation, and morality. A search of newspaper articles concerning *Rights of Man* and its author from October 1st 1792 through January 1st 1793 reveals 562 articles from at least twelve different newspapers. In contrast to this a search through the newspapers for Wollstonecraft and her work from January 1st 1790 through January 1st 1793 only reveals 25 total articles. Twenty-two of these are advertisements for *A Vindication of the Rights of Men*. 339 of the articles concerning Paine are listed as

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[148] Ibid., 52-53.

[149] Fruchtman Jr., *Thomas Paine: Apostle of Freedom*, 229-30, 242-43. Barbara Taylor, 'Wollstonecraft, Mary (1759-1797),' *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, Sept2014 http://www.oxforddnb.com/view/article/10893. Accessed 30 March 2015.

news stories that vary in length from a few paragraphs to a few pages. A search focused on Price from January 1st 1789 through January 1st 1793 only produces 128 results, 88 of which are short advertisements for his pamphlet *A Discourse on the Love of our Country*.[150] Somehow Paine had garnered over three times the amount of attention in the press in a period of three months than Wollstonecraft and Price did in three to four years. The question then is, why were Paine's ideas so controversial, especially if the current historiography only regards Paine's style and intended audience as being unique and troublesome. A close examination of Paine's *Rights of Man*, the content of these newspaper articles, and the account of Paine's trial for libel and sedition will provide the answer to this question.

In the preface of the first part of *Rights of Man*, Paine expressed his personal displeasure with Burke, and *Reflections*, when he wrote, "I am the more astonished and disappointed at this conduct in Mr. Burke, as (from the circumstance I am going to mention), I had formed other expectations."[151] Paine follows Wollstonecraft's example and comes to the defense of Price's sermon in the opening pages of the first part of *Rights*

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[150] Searches were conducted using the 17th-18th Century Burney Collection Newspapers database. Accessed 30 March 2015. http://find .galegroup.com.lib.ezproxy.uakron.edu. I thought it possible that Wollstonecraft may have received less attention due to her gender. That may have been the case, but the search for Price's work, the one directly referenced by Burke did not garner much public attention either.

[151] Thomas Paine, *Rights of Man: Being an Answer to Mr. Burke's attack on the French Revolution, seventh edition* (London, 1791), 1-2. Eighteenth Century Collections Online. Accessed 29 March 2014. http://find.galegroup.com.lib.ezproxy.uakron.edu:2048. The circumstance that Paine was referring to was his belief that Burke was awarded a pension by King George III for writing *Reflections on the Revolution in France*. This particular criticism coming from Paine is ironic due to his continual petitions to the American government for monetary support in recognition for *Common Sense*, *The Crisis Papers*, and other works.

of Man. He clarifies the main points of Price's idea by arguing that Price meant that the whole of the nation had the right to choose their own governors, punish them for misconduct, and construct a government for themselves. This is a reaction against Burke's assertion that these rights were meant to be wielded by individuals who would lose any sense of responsibility and do as they choose in all matters. Paine then proceeds to systematically dismantle the method of Burke's arguments. He contends that Burke's position is entirely founded on the idea that the government established as a result of the Glorious Revolution, and that the English nation, had abdicated any right to effect a change in government at that time. He accused Burke of attempting to apply the same logic to the nation of France and the revolution.[152] The essential point that Paine makes throughout the rest of the first part of *Rights of Man* is that governments, or systems of government, are not eternal, and that they were never meant to possess this characteristic.

Paine is unequivocal in his declaration that hereditary forms of government are unnatural and unjust. He refutes Burke's argument that the English government was and always should be derived from the Revolution of 1688. Paine declared:

> "There never did, there never will, and there never can exist a parliament, or any description of men, or any generation of men, in any country, possessed of the right or the power of binding and controuling posterity to the *"end of time,"* or of commanding for ever how the world shall be governed, or who shall govern it: and therefore all clauses, acts or declarations, by which the makers of them attempt to do what they have neither the right nor the power to do, nor the power to execute, are in themselves null and void."[153]

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[152] Paine, *Rights of Man*, 1-11.

[153] Ibid., 12-13.

The first part of *Rights of Man* is dedicated toward establishing the idea that each generation has the right to establish its own form of government. Paine has no nostalgia for the past or of the codes of chivalry that Burke held so dear. He states that, "Every age and generation must be as free to act for itself, *in all cases*, as the ages and generations which preceded it." Paine allows for laws to remain intact from one generation to another because it draws consent from the living, and can be repealed if it loses its necessity. His thoughts on Burke's infatuation with the idea of a chivalric past are summed up in his statement reminding Burke that, "he is writing History and not *Plays*, and that his readers will expect truth, and not the spouting rant of high-toned exclamation." Paine caustically compared Burke's sense of nostalgia and dramatics to the insane character of Quixote, calling into question the value of Burke's writings. He asks, "What opinion can we form of his judgement, or what regard can we pay to his facts? In the rhapsody of his imagination, he has discovered a world of wind-mills, and his sorrows are, that there are no Quixotes to attack them."[154] In short, the ten thousand swords that Burke had imagined that should have been drawn to protect the Queen of France never existed, nor did the manners, or code of chivalry that he argued formed the foundation of European civilization.

Paine continues to provide an account of the French Revolution and an explanation for the reason of some the violent episodes that had occurred up to that point. He also continues to provide a point by point refutation of Burke's *Reflections* and his interpretation of English history. In his Miscellaneous chapter however, Paine began to

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[154] Ibid., 24.

set the stage for the second part of *Rights of Man* when he takes Burke to task on his conceptualization of the formation of government. Paine takes issue with Burke's assertion that the parameters of government are formed by a select group of wise men that must guard their monopoly of government from the uneducated masses. In two very important passages, Paine attacks the doctrine that lies at the heart of modern political philosophy and which has been purported by Burke as the best and wisest form of government. These passages are also critical for understanding Paine's political philosophy, and how it differs from all of the major modern political philosophers. He wrote:

> As the wondering audience whom Mr. Burke supposes himself talking to, may not understand all this learned jargon, I will undertake to be its interpreter. The meaning then, good people, of all this is, *That government is governed by no principle whatever; that it can make evil good, or good evil, just as it pleases. In short, that government is arbitrary power*.But there are some things which Mr. Burke has forgotten. *First*, He has not shewn where the wisdom originally came from: and *secondly*, he has not shewn where by what authority it first began to act. In the manner he introduces the matter, it is either government stealing wisdom, or wisdom stealing government. It is without an origin, and its powers without authority. In short, it is usurpation.[155]

The second part of *Rights of Man*, which will be examined next, addressed three major themes that are present in these passages. First, the audience that Paine is addressing is important and he is attempting to explain the most important doctrine of modern political philosophy to the average person. Second, that he is not utilizing the philosophy of Parmenides, Machiavelli, Hobbes, Locke, Rousseau, or Hume; he is exposing it for what it is, a denial of the ability of ordinary perception to name objects, or recognize the

[155] Ibid., 126-27.

difference that exists between concepts such as good and evil.[156] Lastly, Paine is arguing that Burke, not Price, was speaking in metaphysical terms. The authority of Burke's philosophy has no origin but the imagination of the learned, who use a specialized language to subdue the *mob*. In his second part of *Rights of Man*, Paine refuted this by locating the origin of authority within the ordinary perception and knowledge of the common person, and therefore the entire nation.

Paine has recognized that the first and most important aspect of the debate is the language in which it will be fought. That is why before he moves on to his main arguments about the monarchy and the importance of constitutions he tells his readers that Burke and those similar to him are operating under the guise of a philosophical model that is impenetrable to ordinary people who rely upon experience rather than an advanced education. He does this in the first part of *Rights of Man* when he explained the "learned jargon" of Burke.[157] Essentially Paine is informing his audience that the language and the way in which they communicate their experiences is far different from the language used by men in the government of England such as Burke. More

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[156] Machiavelli's argument that a vice can become a virtue and a virtue a vice serves as a basic premise for the works of, Hobbes, Locke, Rousseau, Hume, and Burke. When discussing the issue of law Hobbes and Locke argue that each person is their own judge as to what is right in their own case, and that true recognition of right and wrong can only occur in the afterlife. Niccolò Machiavelli, *The Prince*, ed. and trans. Peter Bondanella (Oxford: Oxford University Press, 2008), 53-54. Thomas Hobbes, *Leviathan* (London: 1651), 151-52. Early English Books Online. Accessed 30 March 2015. http://eebo.chadwyk.com.lib.ezproxy.uakron.edu. John Locke, *Two Treatises of Government* (London: 1690), 269-70. Early English Books Online. Accessed 30 March 2015. http://eebo.chadwyck.com.lib.ezproxy.uakron.edu. Jean-Jacques Rousseau, *The Social Contract,* trans. Maurice Cranston (London: Penguin Books, 1968), 174-75. David Hume, *A Treatise of Human Nature*, ed. David Fate Norton and Mary J. Norton (Oxford: Oxford University Press, 2007), 72, 316-17.

[157] Paine, *Rights of Man* 126-27.

importantly he is telling them to disregard this language, because it is merely a philosophical trick that grants them "*arbitrary*" power that has no basis in reality, or experince. From experience and self-education Paine has come to the conclusion that real power and authority ought to originate from the nation, and the knowledge that ordinary people gain from experience should form the basis for the principles of government, rather than philosophical methods of argument.

The precept that ordinary experience and knowledge is vital to the formation of a just government constitutes the basic philosophical principle of the second part to the *Rights of Man*. He also argues that the process of government formation must include the entire population, and not just a learned few. Paine makes this clear in his dedication to the Marquis De La Fayette when he wrote, "Mankind, as it appears to me, are always ripe enough to understand their true interest, provided it be presented clearly to their understanding, and that in a manner not to create suspicion by any thing like self-design, nor offend by assuming too much."[158] The influence of Paine's difficult personal background informed passages such as this. When he was dismissed from the excise service for performing a practice that was common to the profession, and then when he was forced out of his post as foreign secretary he felt the injustice of double standards and unwritten rules. His concern for clarity and fairness is born from his past personal experiences and clearly influences his thoughts concerning government. This aspect of

[158] Thomas Paine, *Rights of Man. Part the Second. Combining principle and practice, Second Edition* (London, 1792), A3. Eighteenth Century Collections Online. Accessed 12 February 2014.Gale. University of Akron. 12 Feb. 2014 http://find.galegroup.com.lib.ezproxy.uakron.edu:2048.

Paine's political ideas are most apparent in his discussion of the importance of written constitutions in the second part of *Rights of Man*.

In the preface of the second part of *Rights of Man*, Paine claims that he withheld its publication in order to allow Burke time to follow through on his claim that he would publish a comparison of the English and French Constitutions.[159] Paine argues that Burke never did this because an English Constitution does not exist, "In England, it is not difficult to perceive that every thing has a constitution, except the nation."[160] This point is critical to Paine's philosophical attack on Burke and the English government. Because a written constitution was not formed by the English nation, Paine argued that the source of authority was monopolized by a minority of privileged men who were a part of and supported the "hereditary monarchial system."[161] According to Paine, this system had been preserved by monarchs and courtiers who legitimized tyranny through the power of philosophical language. This specialized language allowed these individuals to maintain their power by "reversing the wholesome order of nature."[162] Paine describes this ability as the power to erase any differentiation between objects or concepts, "Vice and virtue, ignorance and wisdom, in short, every quality, good or bad, is put on the same level."[163] Without the ability to understand such philosophical strategies, ordinary people are left

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[159] Burke offered to do this as a response to critics of the English Constitution, but he never did. Ibid., viii.

[160] Ibid., 50.

[161] Ibid., 21-22.

[162] Ibid.

[163] Ibid.

without any means to criticize their government or the laws that are enforced against them.

The most important political argument that Paine makes in the second part of *Rights of Man* is that in order to create a just system of government, a constitution must first be formed and written by the nation. He argues that such a document is the possession of the people and not of the executors of government. This places the source of authority of the government within the entire nation, or body of citizens, not a privileged few. Paine criticized Burke and his supporters for failing to recognize that the English system of government reversed this idea by placing the power of government into the hands of a privileged aristocracy by writing:

> They could not but perceive, that there must necessarily be a *controuling* power existing somewhere, and they placed this power in the discretion of the persons exercising the government, instead of placing it in a constitution formed by the nation. When it is in a constitution, it has the nation for its support, and the natural and the political controuling powers are together.[164]

Here Paine attacks the very foundation of the political philosophy and system that has governed England for centuries. He is arguing that in order for a just and legitimate government to be created, the people of a nation must first be allowed to construct a written set of laws and guidelines. This written document then embodies the authority of the entire nation and binds everyone under its laws.

Paine goes on to argue that constitutions and governments can be amended through the participation of the entirety of the nation through a system of representation. Paine's system of representation places value in the knowledge of ordinary people at the

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[164] Paine, *Rights of Man part the second*. 51.

expense of the learned few. He wrote, "That which is called government, or rather that which we ought to conceive government to be, is no more than some common center, in which all the parts of society unite."[165] Attacking Burke and hereditary monarchy, Paine wrote that monarchy is, "a scene of perpetual court cabal and intrigue, of which Mr. Burke is himself an instance."[166] Paine compares monarchy to representation by writing,

> In the representative system of government, nothing of this sort can happen. Like the nation itself, it possess a perpetual stamina, as well of body and mind, and presents itself on the open theatre of the world in a fair and manly manner. Whatever its excellences or its defects, they are visible to all. It exists not by fraud and mystery; it deals not in cant and sophistry; but inspires a language, that, passing from heart to heart, is felt and understood.[167]

Again Paine elevates common understanding through ordinary language above the language of philosophers and monarchs who rule through mysteries of language and specialized, or secret knowledge. It is this argument that separates him from Wollstonecraft, Dr. Richard Price, Godwin and others. It also the argument that causes the greatest concern amongst the elite of English society leading to his trial in December of 1792.

Reaction in the English Press and Trial

Paine knew that this argument had never been made before in such a public fashion, and he admitted that he was determined to produce the second part of *Rights of Man* in order to see how such a work would be received in England writing, "I wished to

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[165] Ibid., 34.

[166] Ibid., 35-36.

[167] Ibid., 36.

know the manner in which a work, written in a style of thinking and expression different to what had been customary in England, would be received before I proceeded farther."[168] The second part of *Rights of Man* was definitely not received in England the way in which Paine had hoped. As mentioned earlier his ideas garnered hundreds of negative reactions in the press in the months leading up to his trial. From September through the end of December 1792 a constant barrage of critical articles were published denouncing the entirety of *Rights of Man*. In addition to articles addressing the content of Paine's work there are a variety of other articles that provide some insight into the effect that Paine's ideas had on English society at the time. These articles describe various burnings of Paine's effigy in towns and cities throughout England.[169] Others describe the arrests of individuals publishing, possessing and distributing *Rights of Man*. It seems that public disturbances also grew in number as individuals who spoke out in support of Paine were reported to be attacked in taverns and other public spaces. And finally perhaps the most interesting type of articles are the ones that report on the number of copies of *Rights of Man* found in places such as Sweden, the Netherlands, Scotland, and Ireland.

An example of an article attacking *Rights of Man* cited Paine's ability to influence individuals with "weak minds." The anonymous author also argues that such works should only be read by those who are "wise" and possess a "judicious" ability to discern the "fallacious arguments presented by the factious writer." These points are preceded by a lengthy negative biography of Paine that details his inability to succeed as a staymaker

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[168] Ibid., A4.

[169] These incidences increased in number as the date of the trial approached.

or as an excise officer. Implying that a man of such a lowly class was unable and unqualified to participate in complex arguments about the formation of government.[170]

Another article addressed to the people of England appeared in St. James's Chronicle warning "every good citizen" that *Rights of Man* "has been industriously circulated especially among those who, not being in the habit of considering subjects of this kind, are the most easily deceived." This author was particularly worried about the second half of Paine's work and lumped Paine in with those who were considered unqualified to consider such important matters. The writer warned readers from placing confidence in a man they "know so little about." The author states that he or she does not intend to address the content of *Rights of Man*, but instead wishes to inform readers about Paine's checkered past.[171] In almost every article there is some reference to Paine's lack of education, financial and romantic success, or his transience. The fact that these writers felt compelled to challenge Paine's legitimacy as political theorist based on these matters illustrates the importance of Paine's background to his opposition. It also signifies a reluctance of these writers, and later Paine's prosecutor to engage in a discussion of Paine's ideas. In an effort to preserve their own philosophical position it was better that Paine's actual arguments were ignored by Burke and the state. To acknowledge his

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[170] All of the authors of the newspapers articles that I found remained anonymous. *World* (London England), October 3, 1792. Accessed 3 May 2015. http://find.galegroup.com.lib.ezproxy.uakron.edu:2048/docId=Z2001538032.

[171] *St. James's Chronicle* (London, England), October 30, 1792. Accessed 3 May 2015. http://find.galegroup.com.lib. ezproxy.uakron.edu:2048.

arguments would have risked causing further debate in the public sphere, and maybe even more responses from Paine.

A letter to the editor of the *World* expressed anger sarcastically by recounting a scene in which he witnessed a reader reciting *Rights of Man* to a shop full of tailors,

> Seeing a few days since, that a large shop-board full of Taylors, paid a person to read Mr. PAINE'S *Rights of Men* to them while they pursued their labours—it gave me great pleasure to find, that tradesmen had discovered a method to unite industry and instruction; that they listened with avidity to the writings of a *gentleman*, who may in some degree be called their Professional Brother; and that among the happy consequences to be expected from his works, one is, that he has found a new employment for the unfortunate *Literati*, who may now get a comfortable livelihood by reading and expounding his *admirable* political system to the wondering mechanics around them.

The writer went on to propose that he or she should also become a reader for Taylors and Staymakers whom they "intend to read into legislators in a few days."[172] This article illustrates two important facts about Paine's *Rights of Man*: First that the popularity of the work angered a group of people that considered themselves to be of a higher class than Paine and those who were receptive to his ideas. Secondly, it further illustrates the fact that these critics did not want to engage in a meaningful debate, but preferred to attack Paine's background instead. This provides further evidence that these critics were very concerned with the ordinary origins of the author, his use of common language, and his reliance on ordinary perception. Paine's arguments represented a unique attack on the monarchy in that he did not merely call for reforms of policy, but instead proposed that anyone and everyone should actively participate in government.

[172] *World*, November 11, 1792. Accessed 3 May 2015. http://find.galegroup.com.lib.ezproxy.uakron.edu:2048/

The effect of Paine's work on the political culture of London and surrounding areas can be seen in dozens of articles describing arrests, violent protests, and accounts of *Rights of Man* inspiring rebellion in Ireland and Scotland. A December 17th article in *World* describes the arrests and imprisonment of Sampson Wright and Mr. James Ridgeway of London for publishing the second part of *Rights of Man*.[173] Another publisher by the name of Jacob Vanderstein was arrested the week of December 17th for publishing Paine's work, but does not say if he was imprisoned or not.[174] Reports of public disturbances related to the *Rights of Man* also began to rise in the fall of 1792. One interesting article provides an account of conservative backlash against Paine and especially *The Rights of Man*. The author reported that,

> Riots, had taken place at Cambridge. Very serious tumults had occurred at Manchester on the 11th of December for the purpose of preserving Constitutional order. The same evening a mob had assembled, and had attacked the house of Mr. Walker. The effects seemed to him to have proceeded from a publication, issuing from the Association at the Crown and Anchor Tavern. It was called *A Pennyworth of Truth*. It contained some most unfounded and libelous invectives against Dissenters, whom it charged with dissatisfaction to the Constitution.

The author went on to state that, "Mr. Paine's *Rights of Man* had not produced one riot; but this invective against Dissenters seemed calculated to produce effects the most alarming."[175]

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[173] *World*, December 17, 1792. Accessed 10 March 2015. http://find.galegroup.com.lib.

[174] There are numerous other reports of publishers and those simply possessing Paine's work being arrested between November and December 1792. *Morning Herald*, December 18, 1792. Accessed 10 March 2015. http://findgalegroup.com.lib.

[175] *General Evening Post* (London England), December 15, 1792. Accessed 9 March 2015. http://findgalegroup.com.lib.

In the same edition an account of Paine's burning in effigy was also described to readers. This event took place in the town of Evesham in Worcestershire County. According to the writer, participants constructed and effigy of Paine with a copy of his book in his hand, and then proceeded to drag it around town. In the end the effigy was burnt in front of a crowd of hundreds.[176] There are too many similar articles to include here, but these few examples provide insight into how Paine's work caused a great amount of tension within English society.

Another type of article illustrates the fear that Paine's ideas would incite rebellion and violence in Scotland and Ireland. The first example comes supposedly from a British military officer who claimed legitimacy from belonging to "the most oppressed body in the universe; namely, the Officers and soldiers of the British Army." After describing how Dissenters should be grateful for the hardships men in Army suffer he attacked Thomas Erskine and others like him for being the defense attorney in Paine's upcoming trial, stating

> I would advise those *Gentry* to follow their turbulent associate, and *titular* Saint, Mr. Thomas Paine, since England is not *good enough* for them. By every information, it will not be very difficult to them to remove themselves, as their property may be comprised, and freighted to France in a cockleshell; from whence, with their patron, they may be someday, most likely kicked from that, as he has been shoved out of other Countries.[177]

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[176] Ibid.

[177] *World*, December 4, 1792. Accessed 3 May 2015. http://findgalegroup.com.lib.

He then changes his tone and suggests that Erskine could make better use of his talents by advocating for the army instead of Paine, since he was once a part of their ranks according to the officer.

In an October issue of the *World* an author reported that, "The *Emissaries* of Tom Paine have been trying what they can do amongst the CATHOLICS of Ireland, who ought long ago to have been satisfied with the liberal tolerations of England."[178] The *Public Advertiser* published accounts of the effect and spread of *Rights of Man* in Dublin and Scotland. In Dublin a Rev. Mr. Taaffe, a dissenting clergyman was arrested and imprisoned for circulating copies of Paine's works including the second part of *Rights of Man*. A second article describes the arrest of "a violent reformer" in Scotland "who gave each of his employees a copy of the second half of *Rights of Man* and now cannot seem to get them to get their regular work done." A third article states that one person had sold over 1,000 copies of the second part of *Rights of Man* in the towns of Dundee, Forfar, Brechin in Scotland, and that the people of those towns became "mad and began talking of planting a *Tree of Liberty."*[179] Combined with further reports of the proliferation of both parts of *Rights of Man* in Continental Europe these accounts illustrate the growing fear in England that Paine's work would incite widespread rebellion throughout Europe. The fear and outrage of Britain's elite culminated in their taking measures that were unprecedented in recent memory. The Attorney General decided that he had to take action in order to stem the tide of Paine's work that seemed to be spreading everywhere.

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[178] *World*, October 12, 1792. Accessed 4 April 2015. http://findgalegroup.com.lib.

[179] *Public Advertiser*, November 11, 1792. Accessed 10 March 2015. http://findgalegroup.com.lib.

He also brought charges of sedition and libel against Paine and his trial was set for December 18th 1792.

The court officer, Mr. Percival began the proceedings of the trial with a statement declaring the general charges against Paine. First Paine was declared to be a "person of a wicked, malicious, and seditious disposition" who had sought to, "introduce disorder and confusion and to cause it to be believed, that the Crown of this kingdom was contrary to the rights of the inhabitants of this kingdom." Percival went on to describe the second part of *Rights of Man* as a seditious and libel work that was published by Paine with the intent to cause "mischief" by undermining the loyalty of the populace to the king and Constitution.[180]

Sir Archibald Macdonald was very concerned about the degree of "mischief" that *Rights of Man* had caused in the months leading up to the trial, and he acknowledges this in his opening statement stating, "But it so happens, that the accumulated mischief, which has arisen from the case before you, and the consequences that have followed from this publication, have rendered it necessary, perhaps, that I should say a few words more in the opening than would otherwise be necessary."[181] The reason for Macdonald's lengthened opening statement was due to the need to avoid addressing Paine's philosophical arguments during the proceedings. Although excerpts from the second part of *Rights of Man* are used as evidence for Paine's sedition and libel against the monarchy and Constitution, the message within them are not what truly worries Macdonald. In fact

[180] *The genuine trial of Thomas Paine, for a libel contained in the second part of Rights of man; at Guildhall, London, Dec. 18, 1792*. 1. Accessed 25 March 2015. http://find.galegroup.com.lib.

[181] Ibid., 3.

the excerpts that he chose to present to the jury are similar in nature to the content within the works of Price, Wollstonecraft and others. Paine's intended audience, methods of distribution and language are the motivating factors for his prosecution by the state.

The opening statement delivered by Macdonald is marked by his attempt to relate to the jury that he had showed restraint by not prosecuting Paine for the first part of *Rights of Man*. He contends, however, that the second part goes too far and that it was impossible for him to ignore its publication due to its readership and popularity amongst the lower orders. He told the jury,

> This publication was preceded by another; that publication, although it was such as I was not entirely warranted in overlooking, yet I did overlook it, on the principle, that the prosecutor should not be sharp in his prosecution, though he is to be instrumental in preventing any manner of improper publication coming before the public eye. Reprehensible as that book was, it was ushered into the world under circumstances that led me to believe that it would not confound the judicious reader.[182]

This statement reveals the true concerns of the prosecution and the government. Macdonald was not worried about the messages within *Rights of Man* so long as it was only read by a select audience. While he stated that it was his job to prevent improper publications from entering the public sphere, it is important to remember that the Wollstonecraft, Price and Godwin were never prosecuted for their dissenting publications.

Macdonald's outrage grew as he described the manner in which Paine's work was published and distributed widely to undesirables. He stated to the jury that:

> But when I found that another publication was ushered into the world, that in all shapes was, with an industry inconceivable, circulated, either personally or

[182] Ibid., 3-4.

> locally, and was thrust into the hands of parties of all descriptions, that even children's sweetmeats were wrapped up with portions of it, and all the industry such as I described, to obtrude and force it on that part of the public who cannot correct as they go along: I thought it behooved me, on the earliest possible occasion, to put a charge on record against the author of that book.[183]

Macdonald then went on to inform the jury that it was his attention to prove that Paine had made a "deliberate intention to vilify and degrade" the constitution of the government. The admission that he makes following this charge is crucial to understanding how Macdonald managed the trial. He stated that Paine attempted "to bring into abhorrence and contempt, the whole constitution of the government of this country, not as established, that I will never admit, but as explained and restored."[184] By refusing to admit that Paine had attacked the origins of the English government he is denying consideration of Paine's most vital philosophical argument that from the beginning a select minority had utilized force and fraud to establish a hereditary monarchy. The state therefore was attempting to prosecute Paine in order to gain some control over the unstable condition of the nation's political culture without addressing Paine's true critique of the system. By misplacing the focus of Paine's attack on the time period of the Restoration, and the way in which it was understood by common people, Macdonald was able to obfuscate the issues that Paine was most concerned with.

Macdonald's strategy to prove that Paine was guilty of sedition and libel was to ask the jury to focus on "the phrase, the manner, and the matter" of the excerpts that he would present. He described these three traits in this way, "The phrase I state to be

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[183] Ibid., 4.

[184] Ibid.,

insidious and artful, the manner of the phrase, in many instances, deceiving and contemptuous, — a short argument, only a flippant one, with the ignorant and credulous. With respect to the matter, in my conscience I call it treason, though technically, according to the laws of the country, it is not."[185] Here again Macdonald mainly expressed his concern with an audience that could be easily duped by Paine's style. As for the substance of the work, he primed the jury by stating he believed it was treasonous, yet he failed to detail his reasoning.

The evidence that Macdonald presents to the jury are several short excerpts from the second part of *Rights of Man* that are taken out of context as to avoid hinting at the reasoning behind the arguments made by Paine. The sections that are presented to the jury were selected for shock value, and are more disturbing when singled out from the rest of the text. An example is Paine's declaration that, "All hereditary government is in its nature tyranny." Macdonald argues that this passage is incendiary and evidence of Paine's sedition and libel against the king.[186] After presenting additional excerpts similar to this, Macdonald focused on proving that the work was published by Paine. This seemed to be a formality as all he was required to do was call printers as witnesses. He questioned a Thomas Hague, Thomas Chapman, Andrew Milne, and John Burdeu to confirm that they had been employed by Paine to print the book in question.[187]

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[185] Ibid., 6.

[186] Ibid., 8.

[187] Ibid., 30-34.

The defense presented by Thomas Erskine also failed to tackle any of the larger philosophical issues that Paine took up in his work. Erskine who had been attacked in the press for agreeing to defend Paine spent most of his time offering a defense of himself. To the detriment of his client he even admitted that *Rights of Man* should be banned for the public good, stating: "I confess I cannot help thinking it would be a great advantage to the public, if the Attorney General is right in his comment upon the book, that by the law of England this book cannot exist, or be circulated, from the matter contained in it."[188] Erskine then states that he has been publicly attacked for his role in the trial, but that it is his duty to represent his client even if he doesn't agree in Paine's cause.[189]

Erskine did offer a defense based on the idea of the freedom of the press and expression. He also criticized Macdonald's strategy of selecting a few passages, and argued that a judgment about the book cannot be formed through the reading of "4 pages out of 178."[190] He also attempted to convince the jury to shut out any opinions they had formed outside of the courtroom, stating, "You are to guard your minds against everything, except that which meets you here. You ought to come prepared to look at this work, to give it its genuine construction, and to collect the evidence in the cause."[191] Given the amount of press coverage that Paine's work received, and the degree of

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[188] Ibid., 35.

[189] Ibid., 36-37.

[190] Ibid., 41-42.

[191] Ibid., 49.

reporting on the disturbances leading up to the trial, the fear that the jury had formed preconceived opinions was legitimate for Erskine.

Erskine was undoubtedly in a difficult position considering the fact that Paine had written a letter to Macdonald before the trial asserting his authorship and endorsement of all the ideas in *Rights of Man*. In fact a large part of Erskine's defense was taken up by explaining that Paine had suffered the influence of the Revolution in France since his departure in September.[192] What he attempted to argue was that even though he may have expressed seditious thoughts in this letter to Macdonald, that this was not his intention while writing *Rights of Man*. So it is no surprise that the jury declined to take leave from the court to deliberate the verdict. When the defense attorney agreed that Paine's book should be banned, and Paine wrote a letter reinforcing his support of the book any reasonable expectation of a non-guilty verdict became almost completely inconceivable.

At the conclusion of Mr. Erskine's defense for his absentee client the jury declined to take a recess in order to deliberate the fate of Thomas Paine, and he was swiftly declared guilty of the charges of libel and sedition against the monarchy. The trial of Thomas Paine has garnered very little attention from historians due to the fact that he was never sentenced or appeared in court personally. This event is, however, significant to the history of political philosophy and the historiography of Paine's life and work. Following the guilty verdict it became illegal for English citizens to possess or publish Paine's work. Individuals suspected of coming into contact with Paine before his

[192] Ibid., 35, 45-47.

departure were questioned and some were even brought before the courts themselves for distributing Paine's seditious writings.[193]

The trial of Thomas Paine represented a conservative reaction towards the philosophical challenge that his work presented to the state of England. The way in which Paine challenged the philosophical and political authority of the state is important because it represents a rare instance when an ordinary individual was able to engage the state on such a philosophical and metaphysical level. Many other authors of various levels of ability criticized the government of England for certain policies, however, Paine was unique in his ability to understand that the language of the debate was what mattered the most. *Rights of Man* was not simply a reply to Burke, it was a rebuke of the manner in which Burke communicated his ideas, and it was the elevation of common experience and perception over that of the philosophical.

[193] Following the conclusion of Paine's trial known acquaintances of his were brought to trial. One example is the case of Daniel Isaac Eaton who was tried and found guilty of libel toward the English government. The charge of libel resulted from his possession of and sale of the second part of *Rights of Man*. Eaton, Daniel Isaac. *The trial of Daniel Isaac Eaton, before Lloyd Lord Kenyon, and a special jury, in the Court of King's Bench, Guildhall, London, July the tenth, 1793; for selling a supposed libel, A letter, addressed to the addressers. By Thomas Paine.* London, [1793]. Eighteenth Century Collections Online. Gale. University of Akron. 25 Mar. 2015 http://find.galegroup.com.lib.ezproxy.uakron.edu.

CHAPTER IV

CONCLUSION

The intention of this paper has been to show the distinct differences between the political ideas of John Locke and Thomas Paine. The current, and past, historical treatments of Paine have failed to consider Paine as a political philosopher with his own original ideas about how political societies should be formed. Instead, scholars have been concerned with providing an account of Paine's life, and showing his importance to the success of the American Revolution. These writers ultimately fall into wonderment of Paine when it comes to considering the work that he produced after *Common Sense*, which contains the majority of his political philosophy. It is much easier to glean the seeming commonalities that Paine shared with Locke, but a closer look reveals a man who held profoundly different beliefs about the purposes of society and government. Eric Foner has written that biographers of Paine have consistently been frustrated by the complexity of Paine, and his works.[194] Perhaps, it is most important to remember the injustices that Paine felt during his lifetime, and the profound impact that he himself said these experiences had upon his thinking. Considering this may be more useful than speculating that Paine was less than truthful when he told John Adams that he did not read works of philosophy, and that he preferred to create his own set of philosophical ideas.[195]

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[194] Foner, Eric. *Tom Paine and Revolutionary America*. xvii.

The political philosophy of Paine represented a serious challenge to the authority of the English state and the philosophical dogma from which it derived its power. Throughout his troubled and difficult life Paine suffered and witnessed the many injustices that were felt by the underprivileged in English society. These experiences molded Paine in such a way that he never forgot the vital importance of perception and ordinary language. His appeal to and empowerment of the masses outraged his fellow philosophers and evoked harsh responses from them and the English state. These reactions combined with an analysis of his work reveals that his ideas were in direct opposition to those of John Locke, and that his association with Locke is an inaccurate representation of his work.

Paine's unforgivable sin was that he responded to Burke's critique of the French Revolution by deciphering Burke's arguments for the common person and taking philosophical debates into the realm of public forum. His refusal to engage Burke in purely philosophical debate and his use of ordinary language in addition with his insistence that knowledge lay within the realm of ordinary perception and experience infuriated the upper echelons of English society and form the core of his political philosophy.

Rights of Man never inspired an actual widespread physical rebellion in England, but it did grant the people of England and other nations a guide with which to challenge philosophical authority. Paine's message resonated with ordinary people due to his assertion that they, and not the elite, possessed the authority of knowledge and language,

[195] Fruchtman, Jack Jr. *The Political Philosophy of Thomas Paine*. 11.

which he argued was expressed through the creation of a constitution. In many ways Paine's arguments remained valid throughout the 19th and 20th centuries, and influenced democratic movements in countries throughout the world. Paine's insistence on referring to the political system of England as the "government of England" and not the "English government" remains a profound assertion that makes a strong point about where the power of government should originate.[196]

[196] Paine, *Rights of Man part the second*. 56.

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